

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2864

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## AN ACT

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Water Resources Development Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

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Sec. 1002. Small projects for flood damage reduction.

Sec. 1003. Small projects for emergency streambank protection.

Sec. 1004. Small projects for navigation.

Sec. 1005. Small projects for improvement of the quality of the environment.

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Sec. 1007. Small projects for shoreline protection.

Sec. 1008. Small projects for snagging and sediment removal.

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Sec. 2003. Funding to process permits.

Sec. 2004. National shoreline erosion control development and demonstration  
 program.

Sec. 2005. Small shore and beach restoration and protection projects.

Sec. 2006. Written agreement for water resources projects.

Sec. 2007. Assistance for remediation, restoration, and reuse.

Sec. 2008. Compilation of laws.

Sec. 2009. Dredged material disposal.

Sec. 2010. Wetlands mitigation.

Sec. 2011. Remote and subsistence harbors.

Sec. 2012. Beneficial uses of dredged material.

Sec. 2013. Cost-sharing provisions for certain areas.

Sec. 2014. Revision of project partnership agreement.

Sec. 2015. Cost sharing.

Sec. 2016. Credit for work performed before partnership agreement.

Sec. 2017. Recreation user fee revenues.

Sec. 2018. Expedited actions for emergency flood damage reduction.

Sec. 2019. Watershed and river basin assessments.

Sec. 2020. Tribal partnership program.

Sec. 2021. Wildfire firefighting.

Sec. 2022. Credit for nonconstruction services.

Sec. 2023. Technical assistance.

Sec. 2024. Coordination and scheduling of Federal, State, and local actions.

- Sec. 2025. Project streamlining.
- Sec. 2026. Lakes program.
- Sec. 2027. Mitigation for fish and wildlife losses.
- Sec. 2028. Cooperative agreements.
- Sec. 2029. Project planning.
- Sec. 2030. Independent peer review.
- Sec. 2031. Training funds.
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- Sec. 2040. Fiscal transparency report.
- Sec. 2041. Support of army civil works program.
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### 1 **SEC. 2. DEFINITION OF SECRETARY.**

2       In this Act, the term “Secretary” means the Sec-  
3       retary of the Army.

## 4       **TITLE I—WATER RESOURCES** 5       **PROJECTS**

### 6 **SEC. 1001. PROJECT AUTHORIZATIONS.**

7       (a) **PROJECTS WITH CHIEF’S REPORT.**—Except as  
8       otherwise provided in this section, the following projects

1 for water resources development and conservation and  
2 other purposes are authorized to be carried out by the Sec-  
3 retary substantially in accordance with the plans, and sub-  
4 ject to the conditions, described in the respective reports  
5 designated in this section:

6 (1) AKUTAN, ALASKA.—

7 (A) IN GENERAL.—The project for naviga-  
8 tion, Akutan, Alaska: Report of the Chief of  
9 Engineers dated December 20, 2004, at a total  
10 cost of \$19,700,000.

11 (B) TREATMENT OF CERTAIN DREDG-  
12 ING.—The headlands dredging for the mooring  
13 basin shall be considered a general navigation  
14 feature for purposes of estimating the non-Fed-  
15 eral share of the cost of the project.

16 (2) HAINES SMALL BOAT HARBOR, HAINES,  
17 ALASKA.—The project for navigation, Haines Small  
18 Boat Harbor, Haines, Alaska: Report of the Chief of  
19 Engineers dated December 20, 2004, at a total of  
20 \$12,200,000, with an estimated Federal cost of  
21 \$9,700,000 and an estimated non-Federal cost of  
22 \$2,500,000.

23 (3) TANQUE VERDE CREEK, ARIZONA.—The  
24 project for environmental restoration, Tanque Verde  
25 Creek, Arizona: Report of the Chief of Engineers,

1       dated July 22, 2003, at a total cost of \$4,978,000,  
2       with an estimated Federal cost of \$3,236,000 and  
3       an estimated non-Federal cost of \$1,742,000.

4               (4) VA SHLY' AY AKIMEL, SALT RIVER RES-  
5       TORATION, ARIZONA.—The project for ecosystem  
6       restoration, Va Shly' Ay Akimel, Salt River, Ari-  
7       zona: Report of the Chief of Engineers dated Janu-  
8       ary 3, 2005, at a total cost of \$138,968,000, with  
9       an estimated Federal cost of \$90,129,000 and an es-  
10      timated non-Federal cost of \$48,839,000.

11              (5) HAMILTON CITY, CALIFORNIA.—The project  
12      for flood damage reduction and ecosystem restora-  
13      tion, Hamilton City, California: Report of the Chief  
14      of Engineers dated December 22, 2004, at a total  
15      cost of \$50,600,000, with an estimated Federal cost  
16      of \$33,000,000 and estimated non-Federal cost of  
17      \$17,600,000.

18              (6) IMPERIAL BEACH, CALIFORNIA.—The  
19      project for storm damage reduction, Imperial Beach,  
20      California: Report of the Chief of Engineers, dated  
21      December 30, 2003, at a total cost of \$11,862,000,  
22      with an estimated Federal cost of \$7,592,000 and  
23      an estimated non-Federal cost of \$4,270,000, and at  
24      an estimated total cost of \$38,004,000 for periodic  
25      beach nourishment over the 50-year life of the

1 project, with an estimated Federal cost of  
2 \$19,002,000 and an estimated non-Federal cost of  
3 \$19,002,000.

4 (7) MATILIJA DAM, VENTURA COUNTY, CALI-  
5 FORNIA.—The project for ecosystem restoration,  
6 Matilija Dam and Ventura River Watershed, Ven-  
7 tura County, California: Report of the Chief of En-  
8 gineers dated December 20, 2004, at a total cost of  
9 \$130,335,000, with an estimated Federal cost of  
10 \$78,973,000 and an estimated non-Federal cost of  
11 \$51,362,000.

12 (8) MIDDLE CREEK, LAKE COUNTY, CALI-  
13 FORNIA.—The project for ecosystem restoration and  
14 flood damage reduction, Middle Creek, Lake County,  
15 California: Report of the Chief of Engineers dated  
16 November 29, 2004, at a total cost of \$41,793,000,  
17 with an estimated Federal cost of \$27,256,000 and  
18 an estimated non-Federal cost of \$14,537,000.

19 (9) NAPA RIVER SALT MARSH, CALIFORNIA.—

20 (A) IN GENERAL.—The project for eco-  
21 system restoration, Napa River Salt Marsh,  
22 Nap River, California: Report of the Chief of  
23 Engineers dated December 22, 2004, at a total  
24 cost of \$100,500,000, with an estimated Fed-

1           eral cost of \$64,000,000 and an estimated non-  
2           Federal cost of \$36,500,000.

3           (B) PROJECT FEATURES.—In carrying out  
4           the project, the Secretary shall include con-  
5           struction of a recycled water pipeline extending  
6           from the Sonoma Valley County Sanitation Dis-  
7           trict Waste Water Treatment Plant and the  
8           Napa Sanitation District Waste Water Treat-  
9           ment Plant as part of the project and restora-  
10          tion and enhancement of Salt Ponds 1, 1A, 2,  
11          and 3.

12          (10) SOUTH PLATTE RIVER, DENVER, COLO-  
13          RADO.—The project for environmental restoration  
14          Denver County Reach, South Platte River, Denver,  
15          Colorado: Report of the Chief of Engineers, dated  
16          May 16, 2003, at a total cost of \$18,824,000, with  
17          an estimated Federal cost of \$12,236,000 and an es-  
18          timated non-Federal cost of \$6,588,000.

19          (11) MIAMI HARBOR, MIAMI-DADE COUNTY,  
20          FLORIDA.—

21               (A) IN GENERAL.—The project for naviga-  
22               tion, Miami Harbor, Miami-Dade County, Flor-  
23               ida: Report of the Chief of Engineers dated  
24               April 25, 2005, at a total cost of \$121,127,000,  
25               with an estimated Federal cost of \$64,843,000

1 and an estimated non-Federal cost of  
2 \$56,284,000.

3 (B) GENERAL REEVALUATION REPORT.—

4 The non-Federal share of the cost of the gen-  
5 eral reevaluation report that resulted in the re-  
6 port of the Chief of Engineers referred to in  
7 subparagraph (A) shall be the same percentage  
8 as the non-Federal share of cost of construction  
9 of the project.

10 (C) AGREEMENT.—The Secretary shall

11 enter into a new partnership with the non-Fed-  
12 eral interest to reflect the cost sharing required  
13 by subparagraph (B).

14 (12) EAST ST. LOUIS AND VICINITY, ILLI-

15 NOIS.—The project for ecosystem restoration, East  
16 St. Louis and vicinity, Illinois: Report of the Chief  
17 of Engineers dated December 22, 2004, at a total  
18 cost of \$191,158,000, with an estimated Federal  
19 cost of \$123,807,000 and an estimated non-Federal  
20 cost of \$67,351,000.

21 (13) PEORIA RIVERFRONT, ILLINOIS.—The

22 project for environmental restoration, Peoria River-  
23 front, Illinois: Report of the Chief of Engineers,  
24 dated July 28, 2003, at a total cost of \$16,000,000,



1 with an estimated Federal cost of \$10,400,000 and  
2 an estimated non-Federal cost of \$5,600,000.

3 (14) BAYOU SORREL LOCK, LOUISIANA.—The  
4 project for navigation, Bayou Sorrel Lock, Lou-  
5 isiana: Report of the Chief of Engineers dated Janu-  
6 ary 3, 2005, at a total cost of \$9,000,000. The costs  
7 of construction of the project shall be paid ½ from  
8 amounts appropriated from the general fund of the  
9 Treasury and ½ from amounts appropriated from  
10 the Inland Waterways Trust Fund.

11 (15) MORGANZA TO THE GULF OF MEXICO,  
12 LOUISIANA.—

13 (A) IN GENERAL.—The project for hurri-  
14 cane and storm damage reduction, Morganza to  
15 the Gulf of Mexico, Louisiana: Reports of the  
16 Chief of Engineers, dated August 23, 2002, and  
17 July 22, 2003, at a total cost of \$788,000,000  
18 with an estimated Federal cost of \$512,200,000  
19 and an estimated non-Federal cost of  
20 \$275,800,000.

21 (B) CREDIT.—The Secretary shall credit  
22 toward the non-Federal share of the cost of the  
23 project the cost of design and construction work  
24 carried out by the non-Federal interest before  
25 the date of the partnership agreement for the

1 project if the Secretary determines that the  
2 work is integral to the project.

3 (16) SWOPE PARK INDUSTRIAL AREA, MIS-  
4 SOURI.—The project for flood damage reduction,  
5 Swope Park Industrial Area, Missouri: Report of the  
6 Chief of Engineers, dated December 30, 2003, at a  
7 total cost of \$15,683,000, with an estimated Federal  
8 cost of \$10,194,000 and an estimated non-Federal  
9 cost of \$5,489,000.

10 (17) MANASQUAN TO BARNEGAT INLET, NEW  
11 JERSEY.—The project for hurricane and storm dam-  
12 age reduction, Manasquan to Barnegat Inlet, New  
13 Jersey: Report of the Chief of Engineers dated De-  
14 cember 30, 2003, at a total cost of \$65,800,000,  
15 with an estimated Federal cost of \$42,800,000 and  
16 an estimated non-Federal cost of \$23,000,000, and  
17 at an estimated total cost of \$108,000,000 for peri-  
18 odic beach nourishment over the 50-year life of the  
19 project, with an estimated Federal cost of  
20 \$54,000,000 and an estimated non-Federal cost of  
21 \$54,000,000.

22 (18) SOUTH RIVER, NEW JERSEY.—The project  
23 for hurricane and storm damage reduction and envi-  
24 ronmental restoration, South River, New Jersey: Re-  
25 port of the Chief of Engineers, dated July 22, 2003,

1 at a total cost of \$112,623,000, with an estimated  
2 Federal cost of \$73,205,000 and an estimated non-  
3 Federal cost of \$39,418,000.

4 (19) SOUTHWEST VALLEY, ALBUQUERQUE, NEW  
5 MEXICO.—The project for flood damage reduction,  
6 Southwest Valley, Albuquerque, New Mexico: Report  
7 of the Chief of Engineers dated November 29, 2004,  
8 at a total cost of \$19,494,000, with an estimated  
9 Federal cost of \$12,671,000 and an estimated non-  
10 Federal cost of \$6,823,000.

11 (20) CORPUS CHRISTI SHIP CHANNEL, CORPUS  
12 CHRISTI, TEXAS.—The project for navigation and  
13 environmental restoration, Corpus Christi Ship  
14 Channel, Texas, Channel Improvement Project: Re-  
15 port of the Chief of Engineers dated June 2, 2003,  
16 at a total cost of \$172,940,000, with an estimated  
17 Federal cost of \$80,086,000 and an estimated non-  
18 Federal cost of \$92,823,000.

19 (21) GULF INTRACOASTAL WATERWAY, HIGH  
20 ISLAND TO BRAZOS RIVER, TEXAS.—The project for  
21 navigation, Gulf Intracoastal Waterway, Sabine  
22 River to Corpus Christi, Texas: Report of the Chief  
23 of Engineers, dated April 16, 2004, at a total cost  
24 of \$13,104,000. The costs of construction of the  
25 project are to be paid ½ from amounts appropriated

1 from the general fund of the Treasury and 1/2 from  
2 amounts appropriated from the Inland Waterways  
3 Trust Fund.

4 (22) MATAGORDA BAY, TEXAS.—The project for  
5 navigation, Gulf Intracoastal Waterway, Brazos  
6 River to Port O'Connor, Matagorda Bay Re-Route,  
7 Texas: Report of the Chief of Engineers, dated De-  
8 cember 24, 2002, at a total cost of \$15,960,000.  
9 The costs of construction of the project are to be  
10 paid 1/2 from amounts appropriated from the general  
11 fund of the Treasury and 1/2 from amounts appro-  
12 priated from the Inland Waterways Trust Fund.

13 (23) RIVERSIDE OXBOW, FORT WORTH,  
14 TEXAS.—

15 (A) IN GENERAL.—The project for envi-  
16 ronmental restoration, Riverside Oxbow, Fort  
17 Worth, Texas: Report of the Chief of Engineers  
18 dated May 29, 2003, at a total cost of  
19 \$25,200,000, with an estimated Federal cost of  
20 \$10,400,000 and an estimated non-Federal cost  
21 of \$14,800,000.

22 (B) CREDIT.—The Secretary shall credit  
23 toward the non-Federal share of the cost of the  
24 project the cost of design and construction work  
25 carried out on the Beach Street Dam and asso-

ciated features by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

(24) DEEP CREEK, CHESAPEAKE, VIRGINIA.—

The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers, dated March 3, 2003, at a Federal cost of \$35,573,000.

(25) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—

(A) IN GENERAL.—The project for flood damage reduction, Chehalis River, Centralia, Washington: Report of the Chief of Engineers dated September 27, 2004, at a total cost of \$109,850,000, with an estimated Federal cost of \$66,425,000 and an estimated non-Federal cost of \$43,425,000.

(B) CREDIT.—The Secretary shall—

(i) credit up to \$6,500,000 toward the non-Federal share of the cost of the project for the cost of planning and design work carried out by the non-Federal interest in accordance with the project study plan dated November 28, 1999; and

1                   (ii) credit toward the non-Federal  
2                   share of the cost of the project the cost of  
3                   design and construction work carried out  
4                   by the non-Federal interest before the date  
5                   of the partnership agreement for the  
6                   project if the Secretary determines that the  
7                   work is integral to the project.

8                   (C) ADDITIONAL FLOOD STORAGE AT  
9                   SKOOKUMCHUCK DAM.—The Secretary shall in-  
10                  tegrate into the project the locally preferred  
11                  plan to provide an additional 9,000 acre-feet of  
12                  storage capacity at Skookumchuck Dam, Wash-  
13                  ington, upon a determination by the Secretary  
14                  that providing such additional storage capacity  
15                  is feasible.

16               (b) PROJECTS SUBJECT TO FINAL REPORT.—The  
17               following projects for water resources development and  
18               conservation and other purposes are authorized to be car-  
19               ried out by the Secretary substantially in accordance with  
20               the plans, and subject to the conditions, recommended in  
21               a final report of the Chief of Engineers if a favorable re-  
22               port of the Chief is completed not later than December  
23               31, 2005:

24                   (1) DES MOINES/RACCOON RIVERS, IOWA.—The  
25                   project for flood damage reduction, Des Moines/Rac-

1 coon Rivers, Iowa, at a total cost of \$10,000,000,  
2 with an estimated Federal cost of \$6,500,000 and  
3 an estimated non-Federal cost of \$3,500,000.

4 (2) PORT OF IBERIA, LOUISIANA.—The project  
5 for navigation, Port of Iberia, Louisiana, at a total  
6 cost of \$194,000,000, with an estimated Federal  
7 cost of \$123,000,000 and an estimated non-Federal  
8 cost of \$71,000,000.

9 (3) HUDSON-RARITAN ESTUARY, LIBERTY  
10 STATE PARK, NEW JERSEY.—The project for envi-  
11 ronmental restoration, Hudson-Raritan Estuary,  
12 Liberty State Park, New Jersey, at a total cost of  
13 \$32,000,000, with an estimated Federal cost of  
14 \$20,800,000 and an estimated non-Federal cost of  
15 \$11,200,000.

16 (4) RARITAN AND SANDY HOOK BAYS, UNION  
17 BEACH, NEW JERSEY.—The project for hurricane  
18 and storm damage reduction, Raritan and Sandy  
19 Hook Bays, Union Beach, New Jersey, at a total  
20 cost of \$99,095,000, with an estimated Federal cost  
21 of \$64,412,000 and an estimated non-Federal cost  
22 of \$34,683,000.

23 (5) HOCKING RIVER, MONDAY CREEK SUB-  
24 BASIN, OHIO.—The project for environmental res-  
25 toration, Hocking River, Monday Creek Sub-basin,

1 Ohio, at a total cost of \$20,000,000, with an esti-  
2 mated Federal cost of \$17,000,000 and an esti-  
3 mated non-Federal cost of \$3,000,000.

4 (6) PAWLEY'S ISLAND, SOUTH CAROLINA.—The  
5 project for hurricane and storm damage reduction,  
6 Pawley's Island, South Carolina, at a total cost of  
7 \$8,813,000, with an estimated Federal cost of  
8 \$4,133,000 and an estimated non-Federal cost of  
9 \$4,680,000.

10 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**  
11 **TION.**

12 (a) IN GENERAL.—The Secretary shall conduct a  
13 study for each of the following projects and, if the Sec-  
14 retary determines that a project is feasible, may carry out  
15 the project under section 205 of the Flood Control Act  
16 of 1948 (33 U.S.C. 701s):

17 (1) HALEYVILLE, ALABAMA.—Project for flood  
18 damage reduction, Haleyville, Alabama.

19 (2) WEISS LAKE, ALABAMA.—Project for flood  
20 damage reduction, Weiss Lake, Alabama.

21 (3) CHINO VALLEY WASH, ARIZONA.—Project  
22 for flood damage reduction, Chino Valley Wash, Ari-  
23 zona.



1           (4) LITTLE COLORADO RIVER LEVEE, ARI-  
2           ZONA.—Project for flood damage reduction, Little  
3           Colorado River Levee, Arizona.

4           (5) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—  
5           Project for flood damage reduction, Cache River  
6           Basin, Grubbs, Arkansas.

7           (6) BARREL SPRINGS WASH, PALMDALE, CALI-  
8           FORNIA.—Project for flood damage reduction, Barrel  
9           Springs Wash, Palmdale, California.

10          (7) BORREGO SPRINGS, CALIFORNIA.—Project  
11          for flood damage reduction, Borrego Springs, Cali-  
12          fornia.

13          (8) COLTON, CALIFORNIA.—Project for flood  
14          damage reduction, Colton, California.

15          (9) DUNLAP STREAM, SAN BERNARDINO, CALI-  
16          FORNIA.—Project for flood damage reduction,  
17          Dunlap Stream, San Bernardino, California.

18          (10) HUNTS CANYON WASH, PALMDALE, CALI-  
19          FORNIA.—Project for flood damage reduction, Hunts  
20          Canyon Wash, Palmdale, California.

21          (11) WILDWOOD CREEK, YUCAIPA, CALI-  
22          FORNIA.—Project for flood damage reduction, Wild-  
23          wood Creek, Yucaipa, California.

1           (12) UTICA AND VICINITY, ILLINOIS.—Project  
2       for flood damage reduction, Utica and vicinity, Illi-  
3       nois.

4           (13) SALEM, MASSACHUSETTS.—Project for  
5       flood damage reduction, Salem, Massachusetts.

6           (14) CASS RIVER, MICHIGAN.—Project for flood  
7       damage reduction, Cass River, Vassar and vicinity,  
8       Michigan.

9           (15) CROW RIVER, ROCKFORD, MINNESOTA.—  
10      Project for flood damage reduction, Crow River,  
11      Rockford, Minnesota.

12          (16) ITASCA COUNTY, MINNESOTA.—Project for  
13      flood damage reduction, Trout Lake and Canisteo  
14      Pit, Itasca County, Minnesota.

15          (17) MARSH CREEK, MINNESOTA.—Project for  
16      flood damage reduction, Marsh Creek, Minnesota.

17          (18) ROSEAU RIVER, ROSEAU, MINNESOTA.—  
18      Project for flood damage reduction, Roseau River,  
19      Roseau, Minnesota.

20          (19) SOUTH BRANCH OF THE WILD RICE RIVER,  
21      BORUP, MINNESOTA.—Project for flood damage re-  
22      duction, South Branch of the Wild Rice River,  
23      Borup, Minnesota.

1           (20) BLACKSNAKE CREEK, ST. JOSEPH, MIS-  
2           SOURI.—Project for flood damage reduction, Black-  
3           snake Creek, St. Joseph, Missouri.

4           (21) CANNISTEO RIVER, ADDISON, NEW  
5           YORK.—Project for flood damage reduction,  
6           Cannisteco River, Addison, New York.

7           (22) COHOCTON RIVER, CAMPBELL, NEW  
8           YORK.—Project for flood damage reduction,  
9           Cohocton River, Campbell, New York.

10          (23) DRY AND OTTER CREEKS, CORTLAND, NEW  
11          YORK.—Project for flood damage reduction, Dry and  
12          Otter Creeks, Cortland, New York.

13          (24) EAST RIVER, SILVER BEACH, NEW YORK  
14          CITY, NEW YORK.—Project for flood damage reduc-  
15          tion, East River, Silver Beach, New York City, New  
16          York.

17          (25) EAST VALLEY CREEK, ANDOVER, NEW  
18          YORK.—Project for flood damage reduction, East  
19          Valley Creek, Andover, New York.

20          (26) SUNNYSIDE BROOK, WESTCHESTER COUN-  
21          TY, NEW YORK.—Project for flood damage reduction,  
22          Sunnyside Brook, Westchester County, New York.

23          (27) LITTLE YANKEE RUN, OHIO.—Project for  
24          flood damage reduction, Little Yankee Run, Ohio.

1           (28) LITTLE NESHAMINY CREEK, WARRENTON,  
2           PENNSYLVANIA.—Project for flood damage reduc-  
3           tion, Little Neshaminy Creek, Warrenton, Pennsyl-  
4           vania.

5           (29) SOUTHAMPTON CREEK WATERSHED,  
6           SOUTHAMPTON, PENNSYLVANIA.—Project for flood  
7           damage reduction, Southampton Creek watershed,  
8           Southampton, Pennsylvania.

9           (30) SPRING CREEK, LOWER MACUNGIE TOWN-  
10          SHIP, PENNSYLVANIA.—Project for flood damage re-  
11          duction, Spring Creek, Lower Macungie Township,  
12          Pennsylvania.

13          (31) YARDLEY AQUEDUCT, SILVER AND BROCK  
14          CREEKS, YARDLEY, PENNSYLVANIA.—Project for  
15          flood damage reduction, Yardley Aqueduct, Silver  
16          and Brock Creeks, Yardley, Pennsylvania.

17          (32) SURFSIDE BEACH, SOUTH CAROLINA.—  
18          Project for flood damage reduction, Surfside Beach  
19          and vicinity, South Carolina.

20          (33) CONGELOSI DITCH, MISSOURI CITY,  
21          TEXAS.—Project for flood damage reduction,  
22          Congelosi Ditch, Missouri City, Texas.

23          (34) DILLEY, TEXAS.—Project for flood dam-  
24          age reduction, Dilley, Texas.

25          (b) SPECIAL RULES.—

1           (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—

2           The Secretary may proceed with the project for the  
3           Cache River Basin, Grubbs, Arkansas, referred to in  
4           subsection (a)(5), notwithstanding that the project is  
5           located within the boundaries of the flood control  
6           project, Cache River Basin, Arkansas and Missouri,  
7           authorized by section 204 of the Flood Control Act  
8           of 1950, (64 Stat. 172) and modified by section 99  
9           of the Water Resources Development Act of 1974  
10          (88 Stat. 41).

11          (2) WILDWOOD CREEK, YUCAIPA, CALI-  
12          FORNIA.—The Secretary shall review the locally pre-  
13          pared plan for the project for flood damage, Wild-  
14          wood Creek, California, referred to in subsection  
15          (a)(11) and, if the Secretary determines that the  
16          plan meets the evaluation and design standards of  
17          the Corps of Engineers and that the plan is feasible,  
18          the Secretary may use the plan to carry out the  
19          project and shall provide credit toward the non-Fed-  
20          eral share of the cost of the project for the cost of  
21          work carried out by the non-Federal interest before  
22          the date of the partnership agreement for the  
23          project if the Secretary determines that the work is  
24          integral to the project.

1           (3) BORUP, MINNESOTA.—In carrying out the  
2       project for flood damage reduction, South Branch of  
3       the Wild Rice River, Borup, Minnesota, referred to  
4       in subsection (a)(19) the Secretary may consider na-  
5       tional ecosystem restoration benefits in determining  
6       the Federal interest in the project and shall allow  
7       the non-Federal interest to participate in the financ-  
8       ing of the project in accordance with section 903(c)  
9       of the Water Resources Development Act of 1986  
10      (100 Stat. 4184) to the extent that the Secretary's  
11      evaluation indicates that applying such section is  
12      necessary to implement the project.

13          (4) ITASCA COUNTY, MINNESOTA.—In carrying  
14      out the project for flood damage reduction, Itasca  
15      County, Minnesota, referred to in subsection (a)(16)  
16      the Secretary may consider national ecosystem res-  
17      toration benefits in determining the Federal interest  
18      in the project.

19          (5) DILLEY, TEXAS.—The Secretary shall carry  
20      out the project for flood damage reduction, Dilley,  
21      Texas, referred to in subsection (a)(34) if the Sec-  
22      retary determines that the project is feasible.

1 **SEC. 1003. SMALL PROJECTS FOR EMERGENCY**  
2 **STREAMBANK PROTECTION.**

3 The Secretary shall conduct a study for each of the  
4 following projects and, if the Secretary determines that  
5 a project is feasible, may carry out the project under sec-  
6 tion 14 of the Flood Control Act of 1946 (33 U.S.C.  
7 701r):

8 (1) OUACHITA AND BLACK RIVERS, ARKANSAS  
9 AND LOUISIANA.—Projects for emergency  
10 streambank protection, Ouachita and Black Rivers,  
11 Arkansas and Louisiana.

12 (2) FRANKLIN POINT PARK, ANNE ARUNDEL  
13 COUNTY, MARYLAND.—Project for emergency  
14 streambank protection, Franklin Point Park, Anne  
15 Arundel County, Maryland.

16 (3) MAYO BEACH PARK, ANNE ARUNDEL COUN-  
17 TY, MARYLAND.—Project for emergency streambank  
18 protection, Mayo Beach Park, Anne Arundel County,  
19 Maryland.

20 (4) PINEY POINT LIGHTHOUSE, ST. MARY'S  
21 COUNTY, MARYLAND.—Project for emergency  
22 streambank protection, Piney Point Lighthouse, St.  
23 Mary's County, Maryland.

24 (5) ST. JOSEPH HARBOR, MICHIGAN.—Project  
25 for emergency streambank protection, St. Joseph  
26 Harbor, Michigan.

1           (6) PUG HOLE LAKE, MINNESOTA.—Project for  
2           emergency streambank protection, Pug Hole Lake,  
3           Minnesota.

4           (7) MIDDLE FORK GRAND RIVER, GENTRY  
5           COUNTY, MISSOURI.—Project for emergency  
6           streambank protection, Middle Fork Grand River,  
7           Gentry County, Missouri.

8           (8) PLATTE RIVER, PLATTE CITY, MISSOURI.—  
9           Project for emergency streambank protection, Platte  
10          River, Platte City, Missouri.

11          (9) RUSH CREEK, PARKVILLE, MISSOURI.—  
12          Project for emergency streambank protection, Rush  
13          Creek, Parkville, Missouri, including measures to ad-  
14          dress degradation of the creek bed.

15          (10) DRY AND OTTER CREEKS, CORTLAND  
16          COUNTY, NEW YORK.—Project for emergency  
17          streambank protection, Dry and Otter Creeks,  
18          Cortland County, New York.

19          (11) KEUKA LAKE, HAMMONDSPORT, NEW  
20          YORK.—Project for emergency streambank protec-  
21          tion, Keuka Lake, Hammondsport, New York.

22          (12) KOWAWESE UNIQUE AREA AND HUDSON  
23          RIVER, NEW WINDSOR, NEW YORK.—Project for  
24          emergency streambank protection, Kowawese Unique  
25          Area and Hudson River, New Windsor, New York.



1           (13) OWEGO CREEK, TIOGA COUNTY, NEW  
2       YORK.—Project for emergency streambank protec-  
3       tion, Owego Creek, Tioga County, New York.

4           (14) HOWARD ROAD OUTFALL, SHELBY COUN-  
5       TY,       TENNESSEE.—Project       for       emergency  
6       streambank protection, Howard Road outfall, Shelby  
7       County, Tennessee.

8           (15) MITCH FARM DITCH AND LATERAL D,  
9       SHELBY COUNTY, TENNESSEE.—Project for emer-  
10      gency streambank protection, Mitch Farm Ditch and  
11      Lateral D, Shelby County, Tennessee.

12          (16) WOLF RIVER TRIBUTARIES, SHELBY COUN-  
13      TY,       TENNESSEE.—Project       for       emergency  
14      streambank protection, Wolf River tributaries, Shel-  
15      by County, Tennessee.

16          (17) JOHNSON CREEK, ARLINGTON, TEXAS.—  
17      Project for emergency streambank protection, John-  
18      son Creek, Arlington, Texas.

19          (18) WELLS RIVER, NEWBURY, VERMONT.—  
20      Project for emergency streambank protection, Wells  
21      River, Newbury, Vermont.

22   **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

23      (a) IN GENERAL.—The Secretary shall conduct a  
24      study for each of the following projects and, if the Sec-  
25      retary determines that a project is feasible, may carry out

1 the project under section 107 of the River and Harbor  
2 Act of 1960 (33 U.S.C. 577):

3 (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-  
4 SAS.—Project for navigation, Blytheville County  
5 Harbor, Arkansas.

6 (2) MAHUKONA BEACH PARK, HAWAII.—Project  
7 for navigation, Mahukona Beach Park, Hawaii.

8 (3) NORTH KOHALA HARBOR, HAWAII.—Project  
9 for navigation, North Kohala Harbor in the vicinity  
10 of Kailua Kona, Hawaii.

11 (4) WAILOA SMALL BOAT HARBOR, HAWAII.—  
12 Project for navigation, Wailoa Small Boat Harbor,  
13 Hawaii.

14 (5) MISSISSIPPI RIVER SHIP CHANNEL, LOU-  
15 ISIANA.—Project for navigation, Mississippi River  
16 Ship Channel, Louisiana.

17 (6) PORT TOBACCO RIVER AND GOOSE CREEK,  
18 MARYLAND.—Project for navigation, Port Tobacco  
19 River and Goose Creek, Maryland.

20 (7) ST. JEROME CREEK, ST. MARY’S COUNTY,  
21 MARYLAND.—Project for navigation, St. Jerome  
22 Creek, St. Mary’s County, Maryland.

23 (8) EAST BASIN, CAPE COD CANAL, SANDWICH,  
24 MASSACHUSETTS.—Project for navigation, East  
25 Basin, Cape Cod Canal, Sandwich, Massachusetts.

1           (9) LYNN HARBOR, LYNN, MASSACHUSETTS.—  
2       Project for navigation, Lynn Harbor, Lynn, Massa-  
3       chusetts.

4           (10) MERRIMACK RIVER, HAVERHILL, MASSA-  
5       CHUSETTS.—Project for navigation, Merrimack  
6       River, Haverhill, Massachusetts.

7           (11) OAK BLUFFS HARBOR, OAK BLUFFS, MAS-  
8       SACHUSETTS.—Project for navigation, Oak Bluffs  
9       Harbor, Oak Bluffs, Massachusetts.

10          (12) WOODS HOLE GREAT HARBOR, FALMOUTH,  
11       MASSACHUSETTS.—Project for navigation, Woods  
12       Hole Great Harbor, Falmouth, Massachusetts.

13          (13) AU SABLE RIVER, MICHIGAN.—Project for  
14       navigation, Au Sable River in the vicinity of Oscoda,  
15       Michigan.

16          (14) TRAVERSE CITY HARBOR, TRAVERSE CITY,  
17       MICHIGAN.—Project for navigation, Traverse City  
18       Harbor, Traverse City, Michigan.

19       (b) SPECIAL RULES.—

20          (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-  
21       SAS.—The Secretary shall carry out the project for  
22       navigation, Blytheville County Harbor, Arkansas, re-  
23       ferred to in subsection (a)(1) if the Secretary deter-  
24       mines that the project is feasible.

1           (2) TRAVERSE CITY HARBOR, TRAVERSE CITY,  
2           MICHIGAN.—The Secretary shall review the locally  
3           prepared plan for the project for navigation, Tra-  
4           verse City Harbor, Michigan, referred to in sub-  
5           section (a)(14), and, if the Secretary determines  
6           that the plan meets the evaluation and design stand-  
7           ards of the Corps of Engineers and that the plan is  
8           feasible, the Secretary may use the plan to carry out  
9           the project and shall provide credit toward the non-  
10          Federal share of the cost of the project for the cost  
11          of work carried out by the non-Federal interest be-  
12          fore the date of the partnership agreement for the  
13          project if the Secretary determines that the work is  
14          integral to the project.

15 **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**  
16 **QUALITY OF THE ENVIRONMENT.**

17          The Secretary shall conduct a study for each of the  
18          following projects and, if the Secretary determines that  
19          a project is appropriate, may carry out the project under  
20          section 1135 of the Water Resources Development Act of  
21          1986 (33 U.S.C. 2309a):

22               (1) BALLONA CREEK, LOS ANGELES COUNTY,  
23               CALIFORNIA.—Project for improvement of the qual-  
24               ity of the environment, Ballona Creek, Los Angeles  
25               County, California.

1           (2) BALLONA LAGOON TIDE GATES, MARINA  
2       DEL REY, CALIFORNIA.—Project for improvement of  
3       the quality of the environment, Ballona Lagoon Tide  
4       Gates, Marina Del Rey, California.

5           (3) RATHBUN LAKE, IOWA.—Project for im-  
6       provement of the quality of the environment,  
7       Rathbun Lake, Iowa.

8           (4) SMITHVILLE LAKE, MISSOURI.—Project for  
9       improvement of the quality of the environment,  
10      Smithville Lake, Missouri.

11          (5) DELAWARE BAY, NEW JERSEY AND DELA-  
12      WARE.—Project for improvement of the quality of  
13      the environment, Delaware Bay, New Jersey and  
14      Delaware, for the purpose of oyster restoration.

15          (6) TIOGA-HAMMOND LAKES, PENNSYLVANIA.—  
16      Project for improvement of the quality of the envi-  
17      ronment, Tioga-Hammond Lakes, Pennsylvania.

18 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**  
19 **RESTORATION.**

20       The Secretary shall conduct a study for each of the  
21      following projects and, if the Secretary determines that  
22      a project is appropriate, may carry out the project under  
23      section 206 of the Water Resources Development Act of  
24      1996 (33 U.S.C. 2330):

1           (1) CYPRESS CREEK, MONTGOMERY, ALA-  
2 BAMA.—Project for aquatic ecosystem restoration,  
3 Cypress Creek, Montgomery, Alabama.

4           (2) BEN LOMOND DAM, SANTA CRUZ, CALI-  
5 FORNIA.—Project for aquatic ecosystem restoration,  
6 Ben Lomond Dam, Santa Cruz, California.

7           (3) DOCKWEILER BLUFFS, LOS ANGELES COUN-  
8 TY, CALIFORNIA.—Project for aquatic ecosystem res-  
9 toration, Dockweiler Bluffs, Los Angeles County,  
10 California.

11          (4) SALT RIVER, CALIFORNIA.—Project for  
12 aquatic ecosystem restoration, Salt River, California.

13          (5) SANTA ROSA CREEK, SANTA ROSA, CALI-  
14 FORNIA.—Project for aquatic ecosystem restoration,  
15 Santa Rosa Creek in the vicinity of the Prince Me-  
16 morial Greenway, Santa Rosa, California.

17          (6) STOCKTON DEEP WATER SHIP CHANNEL  
18 AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—  
19 Project for aquatic ecosystem restoration, Stockton  
20 Deep Water Ship Channel and lower San Joaquin  
21 River, California.

22          (7) SWEETWATER RESERVOIR, SAN DIEGO  
23 COUNTY, CALIFORNIA.—Project for aquatic eco-  
24 system restoration, Sweetwater Reservoir, San Diego

1 County, California, including efforts to address  
2 invasive aquatic plant species.

3 (8) BAYOU TEXAR, PENSACOLA, FLORIDA.—  
4 Project for aquatic ecosystem restoration, Bayou  
5 Texar, Pensacola, Florida.

6 (9) BISCAYNE BAY, FLORIDA.—Project for  
7 aquatic ecosystem restoration, Biscayne Bay, Key  
8 Biscayne, Florida.

9 (10) CLAM BAYOU AND DINKINS BAYOU,  
10 SANIBEL ISLAND, FLORIDA.—Project for aquatic  
11 ecosystem restoration, Clam Bayou and Dinkins  
12 Bayou, Sanibel Island, Florida.

13 (11) DESTIN HARBOR, FLORIDA.—Project for  
14 aquatic ecosystem restoration, Destin Harbor, Flor-  
15 ida.

16 (12) CHATTAHOOCHEE FALL LINE, GEORGIA  
17 AND ALABAMA.—Project for aquatic ecosystem res-  
18 toration, Chattahoochee Fall Line, Georgia and Ala-  
19 bama.

20 (13) LONGWOOD COVE, GAINESVILLE, GEOR-  
21 GIA.—Project for aquatic ecosystem restoration,  
22 Longwood Cove, Gainesville, Georgia.

23 (14) CITY PARK, UNIVERSITY LAKES, LOU-  
24 ISIANA.—Project for aquatic ecosystem restoration,  
25 City Park, University Lakes, Louisiana.

1           (15) MILL POND, LITTLETON, MASSACHU-  
2       SETTS.—Project for aquatic ecosystem restoration,  
3       Mill Pond, Littleton, Massachusetts.

4           (16) PINE TREE BROOK, MILTON, MASSACHU-  
5       SETTS.—Project for aquatic ecosystem restoration,  
6       Pine Tree Brook, Milton, Massachusetts.

7           (17) KALAMAZOO RIVER WATERSHED, BATTLE  
8       CREEK, MICHIGAN.—Project for aquatic ecosystem  
9       restoration, Kalamazoo River watershed, Battle  
10      Creek, Michigan.

11          (18) RUSH LAKE, MINNESOTA.—Project for  
12      aquatic ecosystem restoration, Rush Lake, Min-  
13      nesota.

14          (19) SOUTH FORK OF THE CROW RIVER,  
15      HUTCHINSON, MINNESOTA.—Project for aquatic eco-  
16      system restoration, South Fork of the Crow River,  
17      Hutchinson, Minnesota.

18          (20) ST. LOUIS COUNTY, MISSOURI.—Project  
19      for aquatic ecosystem restoration, St. Louis County,  
20      Missouri.

21          (21) TRUCKEE RIVER, RENO, NEVADA.—Project  
22      for aquatic ecosystem restoration, Truckee River,  
23      Reno, Nevada, including features for fish passage.



1           (22) GROVER’S MILL POND, NEW JERSEY.—  
2       Project for aquatic ecosystem restoration, Grover’s  
3       Mill Pond, New Jersey.

4           (23) DUGWAY CREEK, BRATENAH, OHIO.—  
5       Project for aquatic ecosystem restoration, Dugway  
6       Creek, Bratenahl, Ohio.

7           (24) JOHNSON CREEK, GRESHAM, OREGON.—  
8       Project for aquatic ecosystem restoration, Johnson  
9       Creek, Gresham, Oregon.

10          (25) BEAVER CREEK, BEAVER AND SALEM,  
11       PENNSYLVANIA.—Project for aquatic ecosystem res-  
12       toration, Beaver Creek, Beaver and Salem, Pennsyl-  
13       vania.

14          (26) CEMENTON DAM, LEHIGH RIVER, PENN-  
15       SYLVANIA.—Project for aquatic ecosystem restora-  
16       tion, Cementon Dam, Lehigh River, Pennsylvania.

17          (27) DELAWARE RIVER, PHILADELPHIA NAVAL  
18       SHIPYARD, PENNSYLVANIA.—Project for aquatic eco-  
19       system restoration, Delaware River in the vicinity of  
20       the Philadelphia Naval Shipyard, Pennsylvania.

21          (28) SAUCON CREEK, NORTHAMPTON COUNTY,  
22       PENNSYLVANIA.—Project for aquatic ecosystem res-  
23       toration, Saucon Creek, Northampton County, Penn-  
24       sylvania.

1           (29) BLACKSTONE RIVER, RHODE ISLAND.—  
 2       Project for aquatic ecosystem restoration, Black-  
 3       stone River, Rhode Island.

4           (30) WILSON BRANCH, CHERAW, SOUTH CARO-  
 5       LINA.—Project for aquatic ecosystem restoration,  
 6       Wilson Branch, Cheraw, South Carolina.

7           (31) WHITE RIVER, BETHEL, VERMONT.—  
 8       Project for aquatic ecosystem restoration, White  
 9       River, Bethel, Vermont.

10 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTEC-**  
 11 **TION.**

12       The Secretary shall conduct a study for each of the  
 13 following projects and, if the Secretary determines that  
 14 a project is feasible, may carry out the project under sec-  
 15 tion 3 of the Act entitled “An Act authorizing Federal  
 16 participation in the cost of protecting the shores of pub-  
 17 licly owned property”, approved August 13, 1946 (33  
 18 U.S.C. 426g):

19           (1) NELSON LAGOON, ALASKA.—Project for  
 20       shoreline protection, Nelson Lagoon, Alaska.

21           (2) SANIBEL ISLAND, FLORIDA.—Project for  
 22       shoreline protection, Sanibel Island, Florida.

23           (3) APRA HARBOR, GUAM.—Project for shore-  
 24       line protection, Apra Harbor, Guam.

1           (4) PITI, CABRAS ISLAND, GUAM.—Project for  
2           shoreline protection, Piti, Cabras Island, Guam.

3           (5) NARROWS AND GRAVESEND BAY, UPPER  
4           NEW YORK BAY, BROOKLYN, NEW YORK.—Project  
5           for shoreline protection in the vicinity of the con-  
6           fluence of the Narrows and Gravesend Bay, Upper  
7           New York Bay, Shore Parkway Greenway, Brooklyn,  
8           New York.

9           (6) DELAWARE RIVER, PHILADELPHIA NAVAL  
10          SHIPYARD, PENNSYLVANIA.—Project for shoreline  
11          protection, Delaware River in the vicinity of the  
12          Philadelphia Naval Shipyard, Pennsylvania.

13          (7) PORT ARANSAS, TEXAS.—Project for shore-  
14          line protection, Port Aransas, Texas.

15 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**  
16 **MENT REMOVAL.**

17          The Secretary shall conduct a study for the following  
18          project and, if the Secretary determines that the project  
19          is feasible, the Secretary may carry out the project under  
20          section 2 of the Flood Control Act of August 28, 1937  
21          (33 U.S.C. 701g): Project for removal of snags and clear-  
22          ing and straightening of channels for flood control,  
23          Kowawese Unique Area and Hudson River, New Windsor,  
24          New York.

## 1 **TITLE II—GENERAL PROVISIONS**

### 2 **SEC. 2001. NON-FEDERAL CONTRIBUTIONS.**

3 Section 103 of the Water Resources Development Act  
4 of 1986 (33 U.S.C. 2213) is amended by adding at the  
5 end the following:

6 “(n) NON-FEDERAL CONTRIBUTIONS.—

7 “(1) PROHIBITION ON SOLICITATION OF EX-  
8 CESS CONTRIBUTIONS.—The Secretary may not so-  
9 licit contributions from non-Federal interests for  
10 costs of constructing authorized water resources de-  
11 velopment projects or measures in excess of the non-  
12 Federal share assigned to the appropriate project  
13 purposes listed in subsections (a), (b), and (c) or  
14 condition Federal participation in such projects or  
15 measures on the receipt of such contributions.

16 “(2) LIMITATION ON STATUTORY CONSTRUC-  
17 TION.—Nothing in this subsection shall be construed  
18 to affect the Secretary’s authority under section  
19 903(c) of this Act.”.

### 20 **SEC. 2002. HARBOR COST SHARING.**

21 (a) PAYMENTS DURING CONSTRUCTION.—Section  
22 101(a)(1) of the Water Resources Development Act of  
23 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended  
24 in each of subparagraphs (B) and (C) by striking “45  
25 feet” and inserting “53 feet”.

1 (b) OPERATION AND MAINTENANCE.—Section  
 2 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended  
 3 by striking “45 feet” and inserting “53 feet”.

4 (c) DEFINITIONS.—Section 214 of such Act (33  
 5 U.S.C. 2241; 100 Stat. 4108) is amended in each of para-  
 6 graphs (1) and (3) by striking “45 feet” and inserting  
 7 “53 feet”.

8 (d) APPLICABILITY.—The amendments made by sub-  
 9 sections (a), (b), and (c) shall apply only to a project, or  
 10 separable element of a project, on which a contract for  
 11 physical construction has not been awarded before October  
 12 1, 2003.

13 (e) REVISION OF PARTNERSHIP AGREEMENT.—The  
 14 Secretary shall revise any partnership agreement entered  
 15 into after October 1, 2003, for any project to which the  
 16 amendments made by subsections (a), (b), and (c) apply  
 17 to take into account the change in non-Federal participa-  
 18 tion in the project as a result of such amendments.

19 **SEC. 2003. FUNDING TO PROCESS PERMITS.**

20 Section 214 of the Water Resources Development Act  
 21 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat.  
 22 1836) is amended—

23 (1) in subsection (a) by striking “In fiscal years  
 24 2001 through 2005, the” and inserting “The”; and

25 (2) by adding at the end the following:

1       “(c) DURATION OF AUTHORITY.—The authority pro-  
 2       vided under this section shall be in effect from October  
 3       1, 2000, through December 31, 2007.”.

4       **SEC. 2004. NATIONAL SHORELINE EROSION CONTROL DE-**  
 5                               **VELOPMENT AND DEMONSTRATION PRO-**  
 6                               **GRAM.**

7       (a) EXTENSION OF PROGRAM.—Section 5(a) of the  
 8       Act entitled “An Act authorizing Federal participation in  
 9       the cost of protecting the shores of publicly owned prop-  
 10      erty”, approved August 13, 1946 (33 U.S.C. 426h(a)), is  
 11      amended by striking “6 years” and inserting “10 years”.

12      (b) EXTENSION OF PLANNING, DESIGN, AND CON-  
 13      STRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33  
 14      U.S.C. 426h(b)(1)(A)) is amended by striking “3 years”  
 15      and inserting “6 years”.

16      (c) COST SHARING; REMOVAL OF PROJECTS.—Sec-  
 17      tion 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

18               (1) by redesignating paragraphs (3) and (4) as  
 19      paragraphs (5) and (6), respectively; and

20               (2) by inserting after paragraph (2) the fol-  
 21      lowing:

22               “(3) COST SHARING.—The Secretary may enter  
 23      into a cost sharing agreement with a non-Federal in-  
 24      terest to carry out a project, or a phase of a project,

1 under the erosion control program in cooperation  
 2 with the non-Federal interest.

3 “(4) REMOVAL OF PROJECTS.—The Secretary  
 4 may pay all or a portion of the costs of removing a  
 5 project, or an element of a project, constructed  
 6 under the erosion control program if the Secretary  
 7 determines during the term of the program that the  
 8 project or element is detrimental to the environment,  
 9 private property, or public safety.”.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
 11 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended  
 12 by striking “\$21,000,000” and inserting “\$31,000,000”.

13 **SEC. 2005. SMALL SHORE AND BEACH RESTORATION AND**  
 14 **PROTECTION PROJECTS.**

15 Section 3 of the Act entitled “An Act authorizing  
 16 Federal participation in the cost of protecting the shores  
 17 of publicly owned property”, approved August 13, 1946  
 18 (33 U.S.C. 426g), is amended by striking “\$3,000,000”  
 19 and inserting “\$5,000,000”.

20 **SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES**  
 21 **PROJECTS.**

22 (a) PARTNERSHIP AGREEMENTS.—Section 221 of  
 23 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is  
 24 amended—

25 (1) in subsection (a)—

1 (A) by striking “under the provisions” and  
2 all that follows through “under any other” and  
3 inserting “under any”;

4 (B) by striking “to furnish its required co-  
5 operation for” and inserting “under which each  
6 party agrees to carry out its responsibilities and  
7 requirements for implementation or construc-  
8 tion of”; and

9 (C) by inserting after “\$25,000.” the fol-  
10 lowing: “Such agreement may include a provi-  
11 sion for damages in the event of a failure of one  
12 or more parties to perform.”;

13 (2) by redesignating subsection (e) as sub-  
14 section (f); and

15 (3) by inserting after subsection (d) the fol-  
16 lowing:

17 “(e) LIMITATION.—Nothing in subsection (a) shall be  
18 construed as limiting the authority of the Secretary to en-  
19 sure that an agreement under this section meets all re-  
20 quirements of law and policies of the Secretary in effect  
21 on the date of entry into the agreement.”.

22 (b) LOCAL COOPERATION.—Section 912(b) of the  
23 Water Resources Development Act of 1986 (101 Stat.  
24 4190) is amended—

25 (1) in paragraph (2)—



1 (A) by striking “shall” the first place it  
 2 appears and inserting “may”; and

3 (B) by striking the last sentence; and  
 4 (2) in paragraph (4)—

5 (A) by inserting after “injunction, for” the  
 6 following: “payment of damages or, for”;

7 (B) by striking “to collect a civil penalty  
 8 imposed under this section,”; and

9 (C) by striking “any civil penalty imposed  
 10 under this section,” and inserting “any dam-  
 11 ages,”.

12 (c) APPLICABILITY.—The amendments made by sub-  
 13 sections (a) and (b) only apply to partnership agreements  
 14 entered into after the date of enactment of this Act; except  
 15 that at the request of a non-Federal interest for a project,  
 16 the district engineer for the district in which the project  
 17 is located may amend a project partnership agreement en-  
 18 tered into on or before such date and under which con-  
 19 struction on the project has not been initiated as of such  
 20 date of enactment for the purpose of incorporating such  
 21 amendments.

22 (d) PARTNERSHIP AND COOPERATIVE ARRANGE-  
 23 MENTS.—

24 (1) IN GENERAL.—A goal of agreements en-  
 25 tered into under section 221 of the Flood Control

1 Act of 1970 (42 U.S.C. 1962d–5(b)) shall be to fur-  
2 ther partnership and cooperative arrangements, and  
3 the agreements shall be referred to as “partnership  
4 agreements”.

5 (2) REFERENCES TO COOPERATION AGREE-  
6 MENTS.—Any reference in a law, regulation, docu-  
7 ment, or other paper of the United States to a co-  
8 operation agreement or project cooperation agree-  
9 ment shall be considered to be a reference to a part-  
10 nership agreement or a project partnership agree-  
11 ment, respectively.

12 (3) REFERENCES TO PARTNERSHIP AGREE-  
13 MENTS.—Any reference to a partnership agreement  
14 or project partnership agreement in this Act (other  
15 than this section) shall be considered as a reference  
16 to a cooperation agreement or a project cooperation  
17 agreement, respectively.

18 (e) DELEGATION OF AUTHORITY.—Not later than  
19 September 30, 2006, the Secretary shall issue policies and  
20 guidelines for partnership agreements that delegate to the  
21 district engineers, at a minimum—

22 (1) the authority to approve any policy in a  
23 partnership agreement that has appeared in an  
24 agreement previously approved by the Secretary;

1           (2) the authority to approve any policy in a  
2       partnership agreement the specific terms of which  
3       are dictated by law, or by a final feasibility study,  
4       final environmental impact statement, or other final  
5       decision document for a water resources development  
6       project;

7           (3) the authority to approve any partnership  
8       agreement that complies with the policies and guide-  
9       lines issued by the Secretary; and

10          (4) the authority to sign any partnership agree-  
11       ment for any water resources development project  
12       unless, within 30 days of the date of authorization  
13       of the project, the Secretary notifies the district en-  
14       gineer in which the project will be carried out that  
15       the Secretary wishes to retain the prerogative to  
16       sign the partnership agreement for that project.

17       (f) REPORT TO CONGRESS.—Not later than 2 years  
18   after the date of enactment of this Act, and every year  
19   thereafter, the Secretary shall submit to Congress a report  
20   detailing the following:

21          (1) the number of partnership agreements  
22       signed by district engineers and the number of part-  
23       nership agreements signed by the Secretary, and

1           (2) for any partnership agreement signed by  
2           the Secretary, an explanation of why delegation to  
3           the district engineer was not appropriate.

4           (g) PUBLIC AVAILABILITY.—Not later than the  
5   120th day following the date of enactment of this Act, the  
6   Chief of Engineers shall ensure that each district engineer  
7   has made available on the Internet all partnership agree-  
8   ments entered into under section 221 of the Flood Control  
9   Act of 1970 (42 U.S.C. 1962d–5(b)) within the preceding  
10  10 years and all partnership agreements for water re-  
11  sources development projects currently being carried out  
12  in that district and shall make any partnership agree-  
13  ments entered into after such date of enactment available  
14  on the Internet within 7 days of the date on which such  
15  agreement is entered into.

16 **SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION,**  
17 **AND REUSE.**

18           (a) IN GENERAL.—The Secretary may provide to  
19  State and local governments assessment, planning, and  
20  design assistance for remediation, environmental restora-  
21  tion, or reuse of areas located within the boundaries of  
22  such State or local governments where such remediation,  
23  environmental restoration, or reuse will contribute to the  
24  improvement of water quality or the conservation of water

1 and related resources of drainage basins and watersheds  
2 within the United States.

3 (b) NON-FEDERAL SHARE.—The non-Federal share  
4 of the cost of assistance provided under subsection (a)  
5 shall be 50 percent.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated to carry out this section  
8 \$30,000,000 for each of fiscal years 2006 through 2010.

9 **SEC. 2008. COMPILATION OF LAWS.**

10 Within one year after the date of enactment of this  
11 Act, the laws of the United States relating to the improve-  
12 ment of rivers and harbors, flood control, beach erosion,  
13 and other water resources development enacted after No-  
14 vember 8, 1966, and before January 1, 2006, shall be  
15 compiled under the direction of the Secretary and the  
16 Chief of Engineers and printed for the use of the Depart-  
17 ment of the Army, Congress, and the general public. The  
18 Secretary shall reprint the volumes containing such laws  
19 enacted before November 8, 1966. In addition, the Sec-  
20 retary shall include an index in each volume so compiled  
21 or reprinted. Not later than December 1, 2006, the Sec-  
22 retary shall transmit at least 25 copies of each such vol-  
23 ume to the Committee on Transportation and Infrastruc-  
24 ture of the House of Representatives and the Committee  
25 on Environment and Public Works of the Senate. The Sec-

1 retary shall also ensure that such compilations are avail-  
2 able through electronic means, including the Internet.

3 **SEC. 2009. DREDGED MATERIAL DISPOSAL.**

4 Section 217 of the Water Resources Development Act  
5 of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is  
6 amended—

7 (1) by redesignating subsection (c) as sub-  
8 section (d);

9 (2) by inserting after subsection (b) the fol-  
10 lowing:

11 “(c) GOVERNMENTAL PARTNERSHIPS.—

12 “(1) IN GENERAL.—The Secretary may enter  
13 into cost sharing agreements with one or more non-  
14 Federal public interests with respect to a project, or  
15 group of projects within a geographic region if ap-  
16 propriate, for the acquisition, design, construction,  
17 management, or operation of a dredged material  
18 processing, treatment, contaminant reduction, or  
19 disposal facility (including any facility used to dem-  
20 onstrate potential beneficial uses of dredged mate-  
21 rial, which may include effective sediment contami-  
22 nant reduction technologies) using funds provided in  
23 whole or in part by the Federal Government. One or  
24 more of the parties of the agreement may perform  
25 the acquisition, design, construction, management,

1 or operation of a dredged material processing, treat-  
2 ment, or disposal facility. If appropriate, the Sec-  
3 retary may combine portions of separate construc-  
4 tion or maintenance appropriations from separate  
5 Federal projects with the appropriate combined cost  
6 sharing between the various projects when the facil-  
7 ity serves to manage dredged material from multiple  
8 Federal projects located in the geographic region of  
9 the facility.

10 “(2) PUBLIC FINANCING.—

11 “(A) AGREEMENTS.—

12 “(i) SPECIFIED FEDERAL FUNDING  
13 SOURCES AND COST SHARING.—The cost-  
14 sharing agreement used shall clearly speci-  
15 fy the Federal funding sources and com-  
16 bined cost sharing when applicable to mul-  
17 tiple Federal navigation projects and the  
18 responsibilities and risks of each of the  
19 parties related to present and future  
20 dredged material managed by the facility.

21 “(ii) MANAGEMENT OF SEDIMENTS.—

22 The cost-sharing agreement may include  
23 the management of sediments from the  
24 maintenance dredging of Federal naviga-  
25 tion projects that do not have partnership

1           agreements. The cost-sharing agreement  
2           may allow the non-Federal sponsor to re-  
3           ceive reimbursable payments from the Fed-  
4           eral Government for commitments made by  
5           the sponsor for disposal or placement ca-  
6           pacity at dredged material treatment, proc-  
7           essing, contaminant reduction, or disposal  
8           facilities.

9           “(iii) CREDIT.—The cost-sharing  
10          agreement may allow costs incurred prior  
11          to execution of a partnership agreement  
12          for construction or the purchase of equip-  
13          ment or capacity for the project to be cred-  
14          ited according to existing cost-sharing  
15          rules.

16          “(B) CREDIT.—Nothing in this subsection  
17          supersedes or modifies existing agreements be-  
18          tween the Federal Government and any non-  
19          Federal sponsors for the cost sharing, construc-  
20          tion, and operation and maintenance of Federal  
21          navigation projects. Subject to the approval of  
22          the Secretary and in accordance with existing  
23          laws, regulations, and policies, a non-Federal  
24          public sponsor of a Federal navigation project  
25          may seek credit for funds provided in the acqui-



1           sition, design, construction, management, or op-  
2           eration of a dredged material processing, treat-  
3           ment, or disposal facility to the extent the facil-  
4           ity is used to manage dredged material from  
5           the Federal navigation project. The non-Federal  
6           sponsor shall be responsible for providing all  
7           necessary lands, easements, rights-of-way, or  
8           relocations associated with the facility and shall  
9           receive credit for these items.”; and

10          (3) in each of subsections (d)(1) and (d)(2)(A),  
11          as so redesignated—

12                   (A) by inserting “and maintenance” after  
13                   “operation”; and

14                   (B) by inserting “processing, treatment,  
15                   or” after “dredged material” the first place it  
16                   appears.

17 **SEC. 2010. WETLANDS MITIGATION.**

18          In carrying out a water resources project that in-  
19          volves wetlands mitigation and that has impacts that occur  
20          within the service area of a mitigation bank, the Secretary,  
21          to the maximum extent practicable and where appropriate,  
22          shall give preference to the use of the mitigation bank if  
23          the bank contains sufficient available credits to offset the  
24          impact and the bank is approved in accordance with the  
25          Federal Guidance for the Establishment, Use and Oper-

1 ation of Mitigation Banks (60 Fed. Reg. 58605) or other  
2 applicable Federal law (including regulations).

3 **SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.**

4 (a) IN GENERAL.—In conducting a study of harbor  
5 and navigation improvements, the Secretary may rec-  
6 ommend a project without the need to demonstrate that  
7 the project is justified solely by national economic develop-  
8 ment benefits if the Secretary determines that—

9 (1)(A) the community to be served by the  
10 project is at least 70 miles from the nearest surface  
11 accessible commercial port and has no direct rail or  
12 highway link to another community served by a sur-  
13 face accessible port or harbor; or

14 (B) the project would be located in the Com-  
15 monwealth of Puerto Rico, Guam, the Common-  
16 wealth of the Northern Mariana Islands, or Amer-  
17 ican Samoa;

18 (2) the harbor is economically critical such that  
19 over 80 percent of the goods transported through  
20 the harbor would be consumed within the community  
21 served by the harbor and navigation improvement;  
22 and

23 (3) the long-term viability of the community  
24 would be threatened without the harbor and naviga-  
25 tion improvement.

1 (b) JUSTIFICATION.—In considering whether to rec-  
 2 ommend a project under subsection (a), the Secretary  
 3 shall consider the benefits of the project to—

4 (1) public health and safety of the local commu-  
 5 nity, including access to facilities designed to protect  
 6 public health and safety;

7 (2) access to natural resources for subsistence  
 8 purposes;

9 (3) local and regional economic opportunities;

10 (4) welfare of the local population; and

11 (5) social and cultural value to the community.

12 **SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.**

13 (a) IN GENERAL.—Section 204 of the Water Re-  
 14 sources Development Act of 1992 (33 U.S.C. 2326) is  
 15 amended by striking subsections (c) through (g) and in-  
 16 serting the following:

17 “(c) IN GENERAL.—The Secretary may carry out  
 18 projects to transport and place sediment obtained in con-  
 19 nection with the construction, operation, or maintenance  
 20 of an authorized water resources project at locations se-  
 21 lected by a non-Federal entity for use in the construction,  
 22 repair, or rehabilitation of projects determined by the Sec-  
 23 retary to be in the public interest and associated with navi-  
 24 gation, flood damage reduction, hydroelectric power, mu-  
 25 nicipal and industrial water supply, agricultural water

1 supply, recreation, hurricane and storm damage reduction,  
2 aquatic plant control, and environmental protection and  
3 restoration.

4 “(d) COOPERATIVE AGREEMENT.—Any project un-  
5 dertaken pursuant to this section shall be initiated only  
6 after non-Federal interests have entered into an agree-  
7 ment with the Secretary in which the non-Federal inter-  
8 ests agree to pay the non-Federal share of the cost of con-  
9 struction of the project and 100 percent of the cost of  
10 operation, maintenance, replacement, and rehabilitation of  
11 the project in accordance with section 103 of the Water  
12 Resources Development Act of 1986 (33 U.S.C. 2213).

13 “(e) SPECIAL RULE.—Construction of a project  
14 under subsection (a) for one or more of the purposes of  
15 protection, restoration, or creation of aquatic and eco-  
16 logically related habitat, the cost of which does not exceed  
17 \$750,000 and which will be located in a disadvantaged  
18 community as determined by the Secretary, may be car-  
19 ried out at Federal expense.

20 “(f) DETERMINATION OF CONSTRUCTION COSTS.—  
21 Costs associated with construction of a project under this  
22 section shall be limited solely to construction costs that  
23 are in excess of those costs necessary to carry out the  
24 dredging for construction, operation, or maintenance of  
25 the authorized water resources project in the most cos-

1 effective way, consistent with economic, engineering, and  
2 environmental criteria.

3       “(g) SELECTION OF SEDIMENT DISPOSAL METH-  
4 OD.—In developing and carrying out a water resources  
5 project involving the disposal of sediment, the Secretary  
6 may select, with the consent of the non-Federal interest,  
7 a disposal method that is not the least cost option if the  
8 Secretary determines that the incremental costs of such  
9 disposal method are reasonable in relation to the environ-  
10 mental benefits, including the benefits to the aquatic envi-  
11 ronment to be derived from the creation of wetlands and  
12 control of shoreline erosion. The Federal share of such in-  
13 cremental costs shall be determined in accordance with  
14 subsections (d) and (f).

15       “(h) NONPROFIT ENTITIES.—Notwithstanding sec-  
16 tion 221 of the Flood Control Act of 1970 (42 U.S.C.  
17 1962d–5b), for any project carried out under this section,  
18 a non-Federal interest may include a nonprofit entity, with  
19 the consent of the affected local government.

20       “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated \$30,000,000 annually for  
22 projects under this section of which not more than  
23 \$3,000,000 annually may be used for construction of  
24 projects described in subsection (e). Such sums shall re-  
25 main available until expended.

1       “(j) REGIONAL SEDIMENT MANAGEMENT PLAN-  
2 NING.—In consultation with appropriate State and Fed-  
3 eral agencies, the Secretary may develop, at Federal ex-  
4 pense, plans for regional management of sediment ob-  
5 tained in conjunction with the construction, operation, or  
6 maintenance of water resources projects, including poten-  
7 tial beneficial uses of sediment for construction, repair, or  
8 rehabilitation of public projects for navigation, flood dam-  
9 age reduction, hydroelectric power, municipal and indus-  
10 trial water supply, agricultural water supply, recreation,  
11 hurricane and storm damage reduction, aquatic plant con-  
12 trol, and environmental protection and restoration.

13       “(k) USE OF FUNDS.—

14               “(1) NON-FEDERAL INTEREST.—The non-Fed-  
15 eral interest for a project described in this section  
16 may use, and the Secretary shall accept, funds pro-  
17 vided under any other Federal program, to satisfy,  
18 in whole or in part, the non-Federal share of the  
19 cost of such project if such funds are authorized to  
20 be used to carry out such project.

21               “(2) OTHER FEDERAL AGENCIES.—The non-  
22 Federal share of the cost of construction of a project  
23 under this section may be met through contributions  
24 from a Federal agency made directly to the Sec-  
25 retary, with the consent of the affected local govern-

1       ment, if such funds are authorized to be used to  
2       carry out such project. Before initiating a project to  
3       which this paragraph applies, the Secretary shall  
4       enter into an agreement with a non-Federal interest  
5       in which the non-Federal interest agrees to pay 100  
6       percent of the cost of operation, maintenance, re-  
7       placement, and rehabilitation of the project.”.

8       (b) REPEAL.—

9               (1) IN GENERAL.—Section 145 of the Water  
10       Resources Development Act of 1976 (33 U.S.C.  
11       426j) is repealed.

12              (2) HOLD HARMLESS.—The repeal made by  
13       paragraph (1) shall not affect the authority of the  
14       Secretary to complete any project being carried out  
15       under such section 145 on the day before the date  
16       of enactment of this Act.

17       (c) PRIORITY AREAS.—In carrying out section 204  
18       of the Water Resources Development Act of 1992 (33  
19       U.S.C. 2326), the Secretary shall give priority to the fol-  
20       lowing:

21              (1) A project at Little Rock Slackwater Harbor,  
22       Arkansas.

23              (2) A project at Egmont Key, Florida.

24              (3) A project in the vicinity of Calcasieu Ship  
25       Channel, Louisiana.

1           (4) A project in the vicinity of the Smith Point  
2       Park Pavilion and the TWA Flight 800 Memorial,  
3       Brookhaven, New York.

4           (5) A project in the vicinity of Morehead City,  
5       North Carolina.

6           (6) A project in the vicinity of Galveston Bay,  
7       Texas.

8   **SEC. 2013. COST-SHARING PROVISIONS FOR CERTAIN**  
9                           **AREAS.**

10       Section 1156 of the Water Resources Development  
11   Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended  
12   to read as follows:

13   **“SEC. 1156. COST-SHARING PROVISIONS FOR CERTAIN**  
14                           **AREAS.**

15       “(a) IN GENERAL.—The Secretary shall waive local  
16   cost-sharing requirements up to \$500,000 for all studies  
17   and projects in the Commonwealth of Puerto Rico, Amer-  
18   ican Samoa, Guam, the Commonwealth of the Northern  
19   Mariana Islands, and the United States Virgin Islands,  
20   in Indian country (as defined in section 1151 of title 18,  
21   United States Code, and including lands that are within  
22   the jurisdictional area of an Oklahoma Indian tribe, as  
23   determined by the Secretary of the Interior, and are recog-  
24   nized by the Secretary of the Interior as eligible for trust  
25   land status under part 151 of title 25, Code of Federal



1 Regulations) or on land in the State of Alaska owned by  
2 an Alaska Native Regional Corporation or an Alaska Na-  
3 tive Village Corporation (as those terms are defined in the  
4 Alaska Native Claims Settlement Act (43 U.S.C. 1601 et  
5 seq.)) or the Metlakatla Indian community.

6 “(b) USE OF FUNDS.—The non-Federal interest for  
7 a study or project for an area described in subsection (a)  
8 may use, and the Secretary shall accept, funds provided  
9 under any other Federal program, to satisfy, in whole or  
10 in part, the non-Federal share of such study or project  
11 if such funds are authorized to be used to carry out such  
12 study or project.”.

13 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**  
14 **MENT.**

15 Upon authorization by law of an increase in the max-  
16 imum amount of Federal funds that may be allocated for  
17 a project or an increase in the total cost of a project au-  
18 thorized to be carried out by the Secretary, the Secretary  
19 shall revise the project partnership agreement for the  
20 project to take into account the change in Federal partici-  
21 pation in the project.

22 **SEC. 2015. COST SHARING.**

23 An increase in the maximum amount of Federal  
24 funds that may be allocated for a project or an increase  
25 in the total cost of a project authorized to be carried out

1 by the Secretary shall not affect any cost-sharing require-  
 2 ment applicable to the project under title I of the Water  
 3 Resources Development Act of 1986 (33 U.S.C. 2211 et  
 4 seq.).

5 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**  
 6 **NERSHIP AGREEMENT.**

7 If the Secretary is authorized to credit toward the  
 8 non-Federal share the cost of work carried out by the non-  
 9 Federal interest before the date of the partnership agree-  
 10 ment for the project and such work has not been carried  
 11 out as of the date of enactment of this Act, the Secretary  
 12 shall enter into an agreement with the non-Federal inter-  
 13 est for the project under which the non-Federal interest  
 14 shall carry out such work, and the credit shall apply only  
 15 to work carried out under the agreement.

16 **SEC. 2017. RECREATION USER FEE REVENUES.**

17 Section 225 of the Water Resources Development Act  
 18 of 1999 (113 Stat. 297–298) is amended—

19 (1) in subsection (a)(1)—

20 (A) by striking “During fiscal years 1999  
 21 through 2002, the” and inserting “The”; and

22 (B) by striking “\$34,000,000” and insert-  
 23 ing “\$42,000,000”; and

24 (2) in subsection (a)(3) by striking “September  
 25 30, 2005” and inserting “expended”.

1 **SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**  
2 **DAMAGE REDUCTION.**

3 The Secretary shall expedite any authorized planning,  
4 design, and construction of any project for flood damage  
5 reduction for an area that, within the preceding 5 years,  
6 has been subject to flooding that resulted in the loss of  
7 life and caused damage of sufficient severity and mag-  
8 nitude to warrant a declaration of a major disaster by the  
9 President under the Robert T. Stafford Disaster and  
10 Emergency Relief Act (42 U.S.C. 5121 et seq.).

11 **SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.**

12 (a) IN GENERAL.—Section 729 of the Water Re-  
13 sources Development Act of 1986 (33 U.S.C. 2267a; 114  
14 Stat. 2587–2588; 100 Stat. 4164) is amended—

15 (1) in subsection (d)—

16 (A) by striking “and” at the end of para-  
17 graph (4);

18 (B) by striking the period at the end of  
19 paragraph (5) and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(6) Tuscarawas River Basin, Ohio;

22 “(7) Sauk River Basin, Snohomish and Skagit  
23 Counties, Washington;

24 “(8) Niagara River Basin, New York; and

25 “(9) Genesee River Basin, New York.”;

1           (2) by striking paragraph (1) of subsection (f)  
2           and inserting the following:

3           “(1) NON-FEDERAL SHARE.—The non-Federal  
4           share of the costs of an assessment carried out  
5           under this section on or after December 11, 2000,  
6           shall be 25 percent.”; and

7           (3) by striking subsection (g).

8           (b) REVISION OF PARTNERSHIP AGREEMENT.—The  
9           Secretary shall revise the partnership agreement for any  
10          assessment being carried out under such section 729 to  
11          take into account the change in non-Federal participation  
12          in the assessment as a result of the amendments made  
13          by subsection (a).

14       **SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.**

15          (a) SCOPE.—Section 203(b)(1)(B) of the Water Re-  
16          sources Development Act of 2000 (33 U.S.C.  
17          2269(b)(1)(B); 114 Stat. 2589) is amended by inserting  
18          after “Code” the following: “, and including lands that  
19          are within the jurisdictional area of an Oklahoma Indian  
20          tribe, as determined by the Secretary of the Interior, and  
21          are recognized by the Secretary of the Interior as eligible  
22          for trust land status under part 151 of title 25, Code of  
23          Federal Regulations”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 203(e) of such Act is amended by striking “2006” and  
3 inserting “2010”.

4 **SEC. 2021. WILDFIRE FIREFIGHTING.**

5 Section 309 of Public Law 102–154 (42 U.S.C.  
6 1856a–1; 105 Stat. 1034) is amended by inserting “the  
7 Secretary of the Army,” after “the Secretary of Energy,”.

8 **SEC. 2022. CREDIT FOR NONCONSTRUCTION SERVICES.**

9 (a) IN GENERAL.—The Secretary is authorized to  
10 allow a non-Federal interest credit toward its share of  
11 project costs for any authorized water resources develop-  
12 ment project for the cost of materials and in-kind services,  
13 including design and management services but not includ-  
14 ing construction, provided by the non-Federal interest for  
15 carrying out the project.

16 (b) LIMITATION.—Credit authorized under sub-  
17 section (a)—

18 (1) shall not exceed the non-Federal share of  
19 project costs;

20 (2) shall not alter any other requirements that  
21 require a non-Federal interest to provide lands, ease-  
22 ments, rights-of-way, and dredged material disposal  
23 areas for the project;

24 (3) shall not exceed the actual and reasonable  
25 costs of the materials or in-kind services provided by

1 the non-Federal interest, as determined by the Sec-  
 2 retary; and

3 (4) shall not be allowed unless the Secretary  
 4 has determined that such materials or services are  
 5 integral to the project.

6 **SEC. 2023. TECHNICAL ASSISTANCE.**

7 Section 22 of the Water Resources Development Act  
 8 of 1974 (42 U.S.C. 1962d–16) is amended—

9 (1) in subsection (a) by striking “The Sec-  
 10 retary” and inserting the following:

11 “(a) FEDERAL STATE COOPERATION.—

12 “(1) COMPREHENSIVE PLANS.—The Sec-  
 13 retary”;

14 (2) by inserting after the last sentence in sub-  
 15 section (a) the following:

16 “(2) TECHNICAL ASSISTANCE.—

17 “(A) IN GENERAL.—At the request of  
 18 a governmental agency or non-Federal in-  
 19 terest, the Secretary may provide, at Fed-  
 20 eral expense, technical assistance to such  
 21 agency or non-Federal interest in man-  
 22 aging water resources.

23 “(B) TYPES OF ASSISTANCE.—Tech-  
 24 nical assistance under this paragraph may  
 25 include provision and integration of hydro-

1                   logic, economic, and environmental data  
2                   and analyses.”;

3                   (3) in subsection (b)(1) by striking “this sec-  
4                   tion” each place it appears and inserting “subsection  
5                   (a)(1)”;

6                   (4) in subsection (b)(2) by striking “Up to 1/  
7                   2 of the” and inserting “The”;

8                   (5) in subsection (c) by striking “(c) There is”  
9                   and inserting the following:

10                  “(c) AUTHORIZATION OF APPROPRIATIONS.—

11                  “(1) FEDERAL AND STATE COOPERATION.—  
12                  There is”;

13                  (6) in subsection (c)(1) (as designated by para-  
14                  graph (5))—

15                    (A) by striking “the provisions of this sec-  
16                    tion” and inserting “subsection (a)(1);”; and

17                    (B) by striking “\$500,000” and inserting  
18                    “\$1,000,000”;

19                  (7) by inserting at the end of subsection (c) the  
20                  following:

21                  “(2) TECHNICAL ASSISTANCE.—There is au-  
22                  thorized to be appropriated \$5,000,000 annually to  
23                  carry out subsection (a)(2), of which not more than  
24                  \$2,000,000 annually may be used by the Secretary  
25                  to enter into cooperative agreements with nonprofit

1 organizations to provide assistance to rural and  
2 small communities.”;

3 (8) by redesignating subsection (d) as sub-  
4 section (e); and

5 (9) by inserting after subsection (c) the fol-  
6 lowing:

7 “(d) ANNUAL SUBMISSION OF PROPOSED ACTIVI-  
8 TIES.—Concurrent with the President’s submission to  
9 Congress of the President’s request for appropriations for  
10 the Civil Works Program for a fiscal year, the Secretary  
11 shall submit to the Committee on Transportation and In-  
12 frastructure of the House of Representatives and the Com-  
13 mittee on Environment and Public Works of the Senate  
14 a report describing the individual activities proposed for  
15 funding under subsection (a)(1) for that fiscal year.”.

16 **SEC. 2024. COORDINATION AND SCHEDULING OF FEDERAL,**  
17 **STATE, AND LOCAL ACTIONS.**

18 (a) NOTICE OF INTENT.—Upon request of the non-  
19 Federal interest in the form of a written notice of intent  
20 to construct or modify a non-Federal water supply, waste-  
21 water infrastructure, flood damage reduction, storm dam-  
22 age reduction, ecosystem restoration, or navigation project  
23 that requires the approval of the Secretary, the Secretary  
24 shall initiate, subject to subsection (g)(1), procedures to  
25 establish a schedule for consolidating Federal, State, and



1 local agency and Indian tribe environmental assessments,  
2 project reviews, and issuance of all permits for the con-  
3 struction or modification of the project. The non-Federal  
4 interest shall submit to the Secretary, with the notice of  
5 intent, studies and documentation, including environ-  
6 mental reviews, that may be required by Federal law for  
7 decisionmaking on the proposed project. All States and In-  
8 dian tribes having jurisdiction over the proposed project  
9 shall be invited by the Secretary, but shall not be required,  
10 to participate in carrying out this section with respect to  
11 the project.

12 (b) PROCEDURAL REQUIREMENTS.—Within 15 days  
13 after receipt of notice under subsection (a), the Secretary  
14 shall publish such notice in the Federal Register. The Sec-  
15 retary also shall provide written notification of the receipt  
16 of a notice under subsection (a) to all State and local  
17 agencies and Indian tribes that may be required to issue  
18 permits for the construction of the project or related ac-  
19 tivities. The Secretary shall solicit the cooperation of those  
20 agencies and request their entry into a memorandum of  
21 agreement described in subsection (c) with respect to the  
22 project. Within 30 days after publication of the notice in  
23 the Federal Register, State and local agencies and Indian  
24 tribes that intend to enter into the memorandum of agree-

1 ment with respect to the project shall notify the Secretary  
2 of their intent in writing.

3 (c) SCHEDULING AGREEMENT.—Within 90 days  
4 after the date of receipt of notice under subsection (a)  
5 with respect to a project, the Secretary of the Interior,  
6 the Secretary of Commerce, and the Administrator of the  
7 Environmental Protection Agency, as necessary, and any  
8 State or local agencies that have notified the Secretary  
9 under subsection (b) shall enter into an agreement with  
10 the Secretary establishing a schedule of decisionmaking  
11 for approval of the project and permits associated with  
12 the project and with related activities.

13 (d) CONTENTS OF AGREEMENT.—An agreement en-  
14 tered into under subsection (c) with respect to a project,  
15 to the extent practicable, shall consolidate hearing and  
16 comment periods, procedures for data collection and re-  
17 port preparation, and the environmental review and per-  
18 mitting processes associated with the project and related  
19 activities. The agreement shall detail, to the extent pos-  
20 sible, the non-Federal interest's responsibilities for data  
21 development and information that may be necessary to  
22 process each permit required for the project, including a  
23 schedule when the information and data will be provided  
24 to the appropriate Federal, State, or local agency or In-  
25 dian tribe.

1       (e) REVISION OF AGREEMENT.—The Secretary may  
2       revise an agreement entered into under subsection (c) with  
3       respect to a project once to extend the schedule to allow  
4       the non-Federal interest the minimum amount of addi-  
5       tional time necessary to revise its original application to  
6       meet the objections of a Federal, State, or local agency  
7       or Indian tribe that is a party to the agreement.

8       (f) FINAL DECISION.—Not later than the final day  
9       of a schedule established by an agreement entered into  
10      under subsection (c) with respect to a project, the Sec-  
11      retary shall notify the non-Federal interest of the final de-  
12      cision on the project and whether the permit or permits  
13      have been issued.

14      (g) REIMBURSEMENT.—

15           (1) COSTS OF COORDINATION.—The costs in-  
16      curred by the Secretary to establish and carry out  
17      a schedule to consolidate Federal, State, and local  
18      agency and Indian tribe environmental assessments,  
19      project reviews, and permit issuance for a project  
20      under this section shall be paid by the non-Federal  
21      interest.

22           (2) COSTS INCURRED TO EXPEDITE PERMITS  
23      AND REVIEWS.—

24           (A) ACCEPTANCE OF NON-FEDERAL  
25      FUNDS.—The Secretary may accept funds from

1 the non-Federal interest to hire additional staff  
2 or obtain the services of consultants, or to pro-  
3 vide financial, technical, and administrative  
4 support to agencies that have entered into an  
5 agreement with the Secretary under subsection  
6 (c) with respect to a project in order to facili-  
7 tate the timely processing, review, and comple-  
8 tion of applicable Federal, State, and local  
9 agency and Indian tribe environmental assess-  
10 ments, project reviews, and permits for the  
11 project.

12 (B) USE OF FUNDS.—Funds accepted  
13 under this paragraph shall be used to supple-  
14 ment existing resources of the Secretary or a  
15 participating agency.

16 (C) ASSURANCE OF LEVEL OF SERVICE  
17 AND IMPARTIALITY.—The Secretary shall en-  
18 sure that the Department of the Army and any  
19 participating agency that accepts funds under  
20 this paragraph shall continue to provide the  
21 same level of service to other projects and other  
22 responsibilities not covered by this section as it  
23 would provide, notwithstanding any activities  
24 carried out under this section, and that accept-  
25 ance of such funds will not impact impartial de-

1           cisionmaking either substantively or proce-  
2           durally.

3           (h) REPORT ON TIMESAVINGS METHODS.—Not later  
4 than 3 years after the date of enactment of this section,  
5 the Secretary shall prepare and transmit to Congress a  
6 report estimating the time required for the issuance of all  
7 Federal, State, local, and tribal permits for the construc-  
8 tion of non-Federal projects for water supply, wastewater  
9 infrastructure, flood damage reduction, storm damage re-  
10 duction, ecosystem restoration, and navigation. The Sec-  
11 retary shall include in that report recommendations for  
12 further reducing the amount of time required for the  
13 issuance of those permits, including any proposed changes  
14 in existing law.

15 **SEC. 2025. PROJECT STREAMLINING.**

16           (a) POLICY.—The benefits of water resources  
17 projects are important to the Nation's economy and envi-  
18 ronment, and recommendations to Congress regarding  
19 such projects should not be delayed due to uncoordinated  
20 and sequential environmental reviews or the failure to  
21 timely resolve disputes during the development of water  
22 resources projects.

23           (b) SCOPE.—This section shall apply to each study  
24 initiated after the date of enactment of this Act to develop  
25 a feasibility report under section 905 of the Water Re-

1 sources Development Act of 1986 (33 U.S.C. 2282), or  
2 a reevaluation report, for a water resources project if the  
3 Secretary determines that such study requires an environ-  
4 mental impact statement under the National Environ-  
5 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

6 (c) WATER RESOURCES PROJECT REVIEW PROC-  
7 ESS.—The Secretary shall develop and implement a co-  
8 ordinated review process for water resources projects.

9 (d) COORDINATED REVIEWS.—

10 (1) IN GENERAL.—The coordinated review proc-  
11 ess under this section shall provide that all environ-  
12 mental reviews, analyses, opinions, permits, licenses,  
13 and approvals that must be issued or made by a  
14 Federal, State, or local government agency or Indian  
15 tribe for a water resources project will be conducted  
16 concurrently, to the maximum extent practicable,  
17 and completed within a time period established by  
18 the Secretary, in cooperation with the agencies iden-  
19 tified under subsection (e) with respect to the  
20 project.

21 (2) AGENCY PARTICIPATION.—Each Federal  
22 agency identified under subsection (e) shall formu-  
23 late and implement administrative, policy, and pro-  
24 cedural mechanisms to enable the agency to ensure  
25 completion of environmental reviews, analyses, opin-

1        ions, permits, licenses, and approvals described in  
2        paragraph (1) in a timely and environmentally re-  
3        sponsible manner.

4        (e) IDENTIFICATION OF JURISDICTIONAL AGEN-  
5        CIES.—With respect to each water resources project, the  
6        Secretary shall identify, as soon as practicable, all Fed-  
7        eral, State, and local government agencies and Indian  
8        tribes that may have jurisdiction over environmental-re-  
9        lated matters that may be affected by the project or may  
10       be required by law to conduct an environmental-related  
11       review or analysis of the project or determine whether to  
12       issue an environmental-related permit, license, or approval  
13       for the project.

14       (f) STATE AUTHORITY.—If a coordinated review  
15       process is being implemented under this section by the  
16       Secretary with respect to a water resources project within  
17       the boundaries of a State, the State, consistent with State  
18       law, may choose to participate in such process and provide  
19       that all State agencies that have jurisdiction over environ-  
20       mental-related matters that may be affected by the project  
21       or may be required by law to conduct an environmental-  
22       related review or analysis of the project or determine  
23       whether to issue an environmental-related permit, license,  
24       or approval for the project, be subject to the process.

1       (g) MEMORANDUM OF UNDERSTANDING.—The co-  
2   ordinated review process developed under this section may  
3   be incorporated into a memorandum of understanding for  
4   a project between the Secretary and the heads of other  
5   Federal, State, and local government agencies and Indian  
6   tribes identified under subsection (e) with respect to the  
7   project and the non-Federal interest for the project.

8       (h) EFFECT OF FAILURE TO MEET DEADLINE.—

9           (1) NOTIFICATION OF CONGRESS AND CEQ.—If  
10   the Secretary determines that a Federal, State, or  
11   local government agency, Indian tribe, or non-Fed-  
12   eral interest that is participating in a coordinated  
13   review process under this section with respect to a  
14   project has not met a deadline established under  
15   subsection (d) for the project, the Secretary shall no-  
16   tify, within 30 days of the date of such determina-  
17   tion, the Committee on Transportation and Infra-  
18   structure of the House of Representatives, the Com-  
19   mittee on Environment and Public Works of the  
20   Senate, the Council on Environmental Quality, and  
21   the agency, Indian tribe, or non-Federal interest in-  
22   volved about the failure to meet the deadline.

23           (2) AGENCY REPORT.—Not later than 30 days  
24   after the date of receipt of a notice under paragraph  
25   (1), the Federal, State, or local government agency,



1 Indian tribe, or non-Federal interest involved shall  
2 submit a report to the Secretary, the Committee on  
3 Transportation and Infrastructure of the House of  
4 Representatives, the Committee on Environment and  
5 Public Works of the Senate, and the Council on En-  
6 vironmental Quality explaining why the agency, In-  
7 dian tribe, or non-Federal interest did not meet the  
8 deadline and what actions it intends to take to com-  
9 plete or issue the required review, analysis, opinion,  
10 permit, license, or approval.

11 (i) PURPOSE AND NEED AND DETERMINATION OF  
12 REASONABLE ALTERNATIVES.—

13 (1) IN GENERAL.—As an official of the lead  
14 Federal agency that is responsible for carrying out  
15 a study to which this section applies and its associ-  
16 ated process for meeting the requirements of the  
17 National Environmental Policy Act of 1969 (42  
18 U.S.C. 4321 et seq.) and as the Federal agency with  
19 expertise in water resources development, the Sec-  
20 retary, in carrying out such study and process,  
21 shall—

22 (A) define the purpose and need for the  
23 proposed water resources project; and

1 (B) determine which alternatives are rea-  
2 sonable and may be reasonably anticipated to  
3 meet project purposes and needs.

4 (2) STREAMLINING STUDY.—To streamline a  
5 study to which this section applies and its associated  
6 process for meeting the requirements of the National  
7 Environmental Policy Act of 1969 (42 U.S.C. 4321  
8 et seq.), the Secretary may eliminate from consider-  
9 ation any alternatives the Secretary determines are  
10 not reasonable or are not reasonably anticipated to  
11 meet project purposes and needs.

12 (j) SOLICITATION AND CONSIDERATION OF COM-  
13 MENTS.—In applying subsection (i), the Secretary shall  
14 solicit, consider, and respond to comments from interested  
15 persons and governmental entities.

16 (k) CATEGORICAL EXCLUSIONS.—Not later than 120  
17 days after the date of enactment of this Act, the Secretary  
18 shall develop and publish a list of categorical exclusions  
19 from the requirement that an environmental assessment  
20 or an environmental impact statement be prepared under  
21 the National Environmental Policy Act of 1969 (42 U.S.C.  
22 4321 et seq.) for water resources projects.

23 (l) LIMITATIONS.—Nothing in this section shall pre-  
24 empt or interfere with—

25 (1) any practice of seeking public comment;

1           (2) any power, jurisdiction, or authority that a  
2       Federal, State, or local government agency, Indian  
3       tribe, or non-Federal interest has with respect to  
4       carrying out a water resources project; or

5           (3) any obligation to comply with the provisions  
6       of the National Environmental Policy Act of 1969  
7       (42 U.S.C. 4371 et seq.) and the regulations issued  
8       by the Council on Environmental Quality to carry  
9       out such Act.

10       (m) BENCHMARKS.—Within 12 months of the date  
11   of enactment of this Act, the Chief of Engineers shall es-  
12   tablish benchmarks for determining the length of time it  
13   should take to conduct a feasibility study for a water re-  
14   sources development project and its associated review  
15   process under the National Environmental Policy Act of  
16   1969 (42 U.S.C. 4371 et seq.). Benchmarks may be estab-  
17   lished for activities based on project type, size, cost, and  
18   complexity. The Chief of Engineers shall use such bench-  
19   marks as a management tool to make the feasibility study  
20   process more efficient in all districts of the Army Corps  
21   of Engineers.

22   **SEC. 2026. LAKES PROGRAM.**

23       Section 602(a) of the Water Resources Development  
24   Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat.  
25   295) is amended—

1 (1) by striking “and” at end of paragraph (18);

2 (2) by striking the period at the end of para-  
3 graph (19) and inserting a semicolon; and

4 (3) by adding at the end the following:

5 “(20) Kinkaid Lake, Jackson County, Illinois,  
6 removal of silt and aquatic growth and measures to  
7 address excessive sedimentation;

8 “(21) McCarter Pond, Borough of Fairhaven,  
9 New Jersey, removal of silt and measures to address  
10 water quality;

11 “(22) Rogers Pond, Franklin Township, New  
12 Jersey, removal of silt and restoration of structural  
13 integrity;

14 “(23) Greenwood Lake, New York and New  
15 Jersey, removal of silt and aquatic growth;

16 “(24) Lake Rodgers, Creedmoor, North Caro-  
17 lina, removal of silt and excessive nutrients and res-  
18 toration of structural integrity; and

19 “(25) Lake Luxembourg, Pennsylvania.”.

20 **SEC. 2027. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

21 (a) MITIGATION PLAN CONTENTS.—Section 906(d)  
22 of the Water Resources Development Act of 1986 (33  
23 U.S.C. 2283(d)) is amended by adding at the end the fol-  
24 lowing:

1           “(3) CONTENTS.—A mitigation plan shall in-  
2       clude—

3           “(A) a description of the physical action to  
4       be undertaken to achieve the mitigation objec-  
5       tives within the watershed in which such losses  
6       occur and, in any case in which mitigation must  
7       take place outside the watershed, a justification  
8       detailing the rationale for undertaking the miti-  
9       gation outside of the watershed;

10          “(B) a description of the lands or interests  
11       in lands to be acquired for mitigation and the  
12       basis for a determination that such lands are  
13       available for acquisition;

14          “(C) the type, amount, and characteristics  
15       of the habitat being restored;

16          “(D) success criteria for mitigation based  
17       on replacement of lost functions and values of  
18       the habitat, including hydrologic and vegetative  
19       characteristics; and

20          “(E) a plan for any necessary monitoring  
21       to determine the success of the mitigation, in-  
22       cluding the cost and duration of any monitoring  
23       and, to the extent practicable, the entities re-  
24       sponsible for any monitoring.

1           “(4) RESPONSIBILITY FOR MONITORING.—In  
2           any case in which it is not practicable to identify in  
3           a mitigation plan for a water resources project, the  
4           entity responsible for monitoring at the time of a  
5           final report of the Chief of Engineers or other final  
6           decision document for the project, such entity shall  
7           be identified in the partnership agreement entered  
8           into with the non-Federal interest.”.

9           (b) STATUS REPORT.—

10           (1) IN GENERAL.—Concurrent with the Presi-  
11           dent’s submission to Congress of the President’s re-  
12           quest for appropriations for the Civil Works Pro-  
13           gram for a fiscal year, the Secretary shall submit to  
14           the Committee on Transportation and Infrastructure  
15           of the House of Representatives and the Committee  
16           on Environment and Public Works of the Senate a  
17           report on the status of construction of projects that  
18           require mitigation under section 906 of the Water  
19           Resources Development Act of 1986 (33 U.S.C.  
20           2283; 100 Stat. 4186) and the status of such miti-  
21           gation.

22           (2) PROJECTS INCLUDED.—The status report  
23           shall include the status of all projects that are under  
24           construction, all projects for which the President re-  
25           quests funding for the next fiscal year, and all

1 projects that have completed construction, but have  
2 not completed the mitigation required under section  
3 906 of the Water Resources Development Act of  
4 1986.

5 **SEC. 2028. COOPERATIVE AGREEMENTS.**

6 (a) IN GENERAL.—For the purpose of expediting the  
7 cost-effective design and construction of wetlands restora-  
8 tion that is part of an authorized water resources project,  
9 the Secretary may enter into cooperative agreements  
10 under section 6305 of title 31, United States Code, with  
11 nonprofit organizations with expertise in wetlands restora-  
12 tion to carry out such design and construction on behalf  
13 of the Secretary.

14 (b) LIMITATIONS.—

15 (1) PER PROJECT LIMIT.—A cooperative agree-  
16 ment under this section shall not obligate the Sec-  
17 retary to pay the nonprofit organization more than  
18 \$1,000,000 for any single wetlands restoration  
19 project.

20 (2) ANNUAL LIMIT.—The total value of work  
21 carried out under cooperative agreements under this  
22 section may not exceed \$5,000,000 in any fiscal  
23 year.

1 **SEC. 2029. PROJECT PLANNING.**

2 (a) DETERMINATION OF CERTAIN NATIONAL BENE-  
3 FITS.—

4 (1) SENSE OF CONGRESS.—It is the sense of  
5 Congress that, consistent with the Economic and  
6 Environmental Principles and Guidelines for Water  
7 and Related Land Resources Implementation Stud-  
8 ies (1983), the Secretary may select a water re-  
9 sources project alternative that does not maximize  
10 net national economic development benefits or net  
11 national ecosystem restoration benefits if there is an  
12 overriding reason based on other Federal, State,  
13 local, or international concerns.

14 (2) FLOOD DAMAGE REDUCTION, NAVIGATION,  
15 AND HURRICANE STORM DAMAGE REDUCTION  
16 PROJECTS.—With respect to a water resources  
17 project the primary purpose of which is flood dam-  
18 age reduction, navigation, or hurricane and storm  
19 damage reduction, an overriding reason for selecting  
20 a plan other than the plan that maximizes net na-  
21 tional economic development benefits may be if the  
22 Secretary determines, and the non-Federal interest  
23 concurs, that an alternative plan is feasible and  
24 achieves the project purposes while providing greater  
25 ecosystem restoration benefits.



1           (3) ECOSYSTEM RESTORATION PROJECTS.—

2       With respect to a water resources project the pri-  
3       mary purpose of which is ecosystem restoration, an  
4       overriding reason for selecting a plan other than the  
5       plan that maximizes net national ecosystem restora-  
6       tion benefits may be if the Secretary determines,  
7       and the non-Federal interest concurs, that an alter-  
8       native plan is feasible and achieves the project pur-  
9       poses while providing greater economic development  
10      benefits.

11       (b) IDENTIFYING ADDITIONAL BENEFITS AND  
12      PROJECTS.—

13           (1) PRIMARILY ECONOMIC BENEFITS.—In con-  
14      ducting a study of the feasibility of a project where  
15      the primary benefits are expected to be economic,  
16      the Secretary may identify ecosystem restoration  
17      benefits that may be achieved in the study area and,  
18      after obtaining the participation of a non-Federal in-  
19      terest, may study and recommend construction of  
20      additional measures, a separate project, or separable  
21      project element to achieve those benefits.

22           (2) PRIMARILY ECOSYSTEM RESTORATION BEN-  
23      EFITS.—In conducting a study of the feasibility of a  
24      project where the primary benefits are expected to  
25      be associated with ecosystem restoration, the Sec-

1       retary may identify economic benefits that may be  
2       achieved in the study area and, after obtaining the  
3       participation of a non-Federal interest, may study  
4       and recommend construction of additional measures,  
5       a separate project, or separable project element to  
6       achieve those benefits.

7               (3) RULES APPLICABLE TO CERTAIN MEAS-  
8       URES, PROJECTS, AND ELEMENTS.—Any additional  
9       measures, separate project, or separable element  
10      identified under paragraph (1) or (2) and rec-  
11      ommended for construction shall not be considered  
12      integral to the underlying project and, if authorized,  
13      shall be subject to a separate partnership agreement,  
14      unless a non-Federal interest agrees to share in the  
15      cost of the additional measures, project, or separable  
16      element.

17      (c) CALCULATION OF BENEFITS AND COSTS FOR  
18      FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility  
19      study for a project for flood damage reduction shall in-  
20      clude, as part of the calculation of benefits and costs—

21              (1) a calculation of the residual risk of flooding  
22      following completion of the proposed project;

23              (2) a calculation of any upstream or down-  
24      stream impacts of the proposed project; and

1           (3) calculations to ensure that the benefits and  
2           costs associated with structural and nonstructural  
3           alternatives are evaluated in an equitable manner.

4 **SEC. 2030. INDEPENDENT PEER REVIEW.**

5           (a) PROJECT STUDIES SUBJECT TO INDEPENDENT  
6 PEER REVIEW.—

7           (1) IN GENERAL.—Project studies shall be sub-  
8           ject to a peer review by an independent panel of ex-  
9           perts as determined under this section.

10          (2) SCOPE.—The peer review may include a re-  
11          view of the economic and environmental assumptions  
12          and projections, project evaluation data, economic  
13          analyses, environmental analyses, engineering anal-  
14          yses, formulation of alternative plans, methods for  
15          integrating risk and uncertainty, models used in  
16          evaluation of economic or environmental impacts of  
17          proposed projects, and any biological opinions of the  
18          project study.

19          (3) PROJECT STUDIES SUBJECT TO PEER RE-  
20 VIEW.—

21               (A) MANDATORY.—A project study shall  
22               be subject to peer review under paragraph (1)  
23               if the project has an estimated total cost of  
24               more than \$50,000,000, including mitigation  
25               costs, and is not determined by the Chief of

1 Engineers to be exempt from peer review under  
2 paragraph (6).

3 (B) DISCRETIONARY.—A project study  
4 may be subject to peer review if—

5 (i) the Governor of an affected State  
6 requests a peer review by an independent  
7 panel of experts;

8 (ii) the head of a Federal or State  
9 agency charged with reviewing the project  
10 study determines that the project is likely  
11 to have a significant adverse impact on en-  
12 vironmental, cultural, or other resources  
13 under the jurisdiction of the agency after  
14 implementation of proposed mitigation  
15 plans and requests a peer review by an  
16 independent panel of experts; or

17 (iii) the Chief of Engineers determines  
18 that the project study is controversial.

19 (4) CONTROVERSIAL PROJECTS.—Upon receipt  
20 of a written request under paragraph (3)(B) or on  
21 the initiative of the Chief of Engineers, the Chief of  
22 Engineers shall determine whether a project study is  
23 controversial.

1           (5) FACTORS TO CONSIDER.—In determining  
2       whether a project study is controversial, the Chief of  
3       Engineers shall consider if—

4           (A) there is a significant public dispute as  
5       to the size, nature, or effects of the project; or

6           (B) there is a significant public dispute as  
7       to the economic or environmental costs or bene-  
8       fits of the project.

9           (6) PROJECT STUDIES EXCLUDED FROM PEER  
10      REVIEW.—Project studies that may be excluded from  
11      peer review under paragraph (1) are—

12          (A) a study for a project the Chief of En-  
13      gineers determines—

14           (i) is not controversial;

15           (ii) has no more than negligible ad-  
16      verse impacts on scarce or unique cultural,  
17      historic, or tribal resources;

18           (iii) has no substantial adverse im-  
19      pacts on fish and wildlife species and their  
20      habitat prior to the implementation of  
21      mitigation measures; and

22           (iv) has, before implementation of  
23      mitigation measures, no more than a neg-  
24      ligible adverse impact on a species listed as  
25      endangered or threatened species under

1           the Endangered Species Act of 1973 (16  
2           U.S.C. 1539 et seq.) or the critical habitat  
3           of such species designated under such Act;  
4           and

5           (B) a study for a project pursued under  
6           section 205 of the Flood Control Act of 1948  
7           (33 U.S.C. 701s), section 2 of the Flood Con-  
8           trol Act of August 28, 1937 (33 U.S.C. 701g),  
9           section 14 of the Flood Control Act of 1946 (33  
10          U.S.C. 701r), section 107(a) of the River and  
11          Harbor Act of 1960 (33 U.S.C. 577(a)), section  
12          3 of the Act entitled “An Act authorizing Fed-  
13          eral participation in the cost of protecting the  
14          shores of publicly owned property”, approved  
15          August 13, 1946 (33 U.S.C. 426g), section 111  
16          of the River and Harbor Act of 1968 (33  
17          U.S.C. 426i), section 3 of the Act entitled “An  
18          Act authorizing the construction, repair, and  
19          preservation of certain public works on rivers  
20          and harbors, and for other purposes”, approved  
21          March 2, 1945 (33 U.S.C. 603a), section 1135  
22          of the Water Resources Development Act of  
23          1986 (33 U.S.C. 2309a), section 206 of the  
24          Water Resources Development Act of 1996 (33  
25          U.S.C. 2330), or section 204 of the Water Re-

1 sources Development Act of 1992 (33 U.S.C.  
2 2326).

3 (7) APPEAL.—The decision of the Chief of En-  
4 gineers whether to peer review a project study shall  
5 be published in the Federal Register and shall be  
6 subject to appeal by a person referred to in para-  
7 graph (3)(B)(i) or (3)(B)(ii) to the Secretary of the  
8 Army if such appeal is made within the 30-day pe-  
9 riod following the date of such publication.

10 (8) DETERMINATION OF PROJECT COST.—For  
11 purposes of determining the estimated total cost of  
12 a project under paragraph (3)(A), the project cost  
13 shall be based upon the reasonable estimates of the  
14 Chief of Engineers at the completion of the recon-  
15 naissance study for the project. If the reasonable es-  
16 timate of project costs is subsequently determined to  
17 be in excess of the amount in paragraph (3)(A), the  
18 Chief of Engineers shall make a determination  
19 whether a project study should be reviewed under  
20 this section.

21 (b) TIMING OF PEER REVIEW.—The Chief of Engi-  
22 neers shall determine the timing of a peer review of a  
23 project study under subsection (a). In all cases, the peer  
24 review shall occur during the period beginning on the date  
25 of the completion of the reconnaissance study for the

1 project and ending on the date the draft report of the  
2 Chief of Engineers for the project is made available for  
3 public comment. Where the Chief of Engineers has not  
4 initiated a peer review of a project study, the Chief of En-  
5 gineers shall consider, at a minimum, whether to initiate  
6 a peer review at the time that—

7 (1) the without-project conditions are identified;

8 (2) the array of alternatives to be considered  
9 are identified; and

10 (3) the preferred alternative is identified.

11 Nothing in this subsection shall be construed to require  
12 the Chief of Engineers to conduct multiple peer reviews  
13 for a project study.

14 (c) ESTABLISHMENT OF PANELS.—

15 (1) IN GENERAL.—For each project study sub-  
16 ject to peer review under subsection (a), as soon as  
17 practicable after the Chief of Engineers determines  
18 that a project study will be subject to peer review,  
19 the Chief of Engineers shall contract with the Na-  
20 tional Academy of Sciences (or a similar independent  
21 scientific and technical advisory organization), or an  
22 eligible organization, to establish a panel of experts  
23 to peer review the project study for technical and  
24 scientific sufficiency.



1           (2) MEMBERSHIP.—A panel of experts estab-  
2       lished for a project study under this section shall be  
3       composed of independent experts who represent a  
4       balance of areas of expertise suitable for the review  
5       being conducted.

6           (3) LIMITATION ON APPOINTMENTS.—An indi-  
7       vidual may not be selected to serve on a panel of ex-  
8       perts established for a project study under this sec-  
9       tion if the individual has a financial or close profes-  
10      sional association with any organization or group  
11      with a strong financial or organizational interest in  
12      the project.

13          (4) CONGRESSIONAL NOTIFICATION.—Upon  
14      identification of a project study for peer review  
15      under this section, but prior to initiation of any re-  
16      view, the Chief of Engineers shall notify the Com-  
17      mittee on Environment and Public Works of the  
18      Senate and the Committee on Transportation and  
19      Infrastructure of the House of Representatives of  
20      such review.

21          (d) DUTIES OF PANELS.—A panel of experts estab-  
22      lished for a peer review for a project study under this sec-  
23      tion shall, consistent with the scope of the referral for re-  
24      view—

1           (1) conduct a peer review for the project study  
2 submitted to the panel for review;

3           (2) assess the adequacy and acceptability of the  
4 economic and environmental methods, models, and  
5 analyses used by the Chief of Engineers;

6           (3) provide timely written and oral comments to  
7 the Chief of Engineers throughout the development  
8 of the project study, as requested; and

9           (4) submit to the Chief of Engineers a final re-  
10 port containing the panel's economic, engineering,  
11 and environmental analysis of the project study, in-  
12 cluding the panel's assessment of the adequacy and  
13 acceptability of the economic and environmental  
14 methods, models, and analyses used by the Chief of  
15 Engineers, to accompany the publication of the  
16 project study.

17       (e) DURATION OF PROJECT STUDY PEER RE-  
18 VIEWS.—

19           (1) DEADLINE.—A panel of experts shall—

20                (A) complete its peer review under this sec-  
21 tion for a project study and submit a report to  
22 the Chief of Engineers under subsection (d)(4)  
23 within 180 days after the date of establishment  
24 of the panel, or, if the Chief of Engineers deter-  
25 mines that a longer period of time is necessary,

1           such period of time established by the Chief of  
2           Engineers, but in no event later than 90 days  
3           after the date a draft project study is made  
4           available for public review; and

5           (B) terminate on the date of submission of  
6           the report.

7           (2) FAILURE TO MEET DEADLINE.—If a panel  
8           does not complete its peer review of a project study  
9           under this section and submit a report to the Chief  
10          of Engineers under subsection (d)(4) on or before  
11          the deadline established by paragraph (1) for the  
12          project study, the Chief of Engineers shall continue  
13          the project study for the project that is subject to  
14          peer review by the panel without delay.

15          (f) RECOMMENDATIONS OF PANEL.—

16               (1) CONSIDERATION BY THE CHIEF OF ENGI-  
17               NEERS.—After receiving a report on a project study  
18               from a panel of experts under this section and be-  
19               fore entering a final record of decision for the  
20               project, the Chief of Engineers shall consider any  
21               recommendations contained in the report and pre-  
22               pare a written response for any recommendations  
23               adopted or not adopted.

24               (2) PUBLIC AVAILABILITY AND TRANSMITTAL  
25               TO CONGRESS.—After receiving a report on a project

1 study from a panel of experts under this section, the  
2 Chief of Engineers shall—

3 (A) make a copy of the report and any  
4 written response of the Chief of Engineers on  
5 recommendations contained in the report avail-  
6 able to the public; and

7 (B) transmit to Congress a copy of the re-  
8 port, together with any such written response,  
9 on the date of a final report of the Chief of En-  
10 gineers or other final decision document for a  
11 project study that is subject to peer review by  
12 the panel.

13 (g) COSTS.—

14 (1) IN GENERAL.—The costs of a panel of ex-  
15 perts established for a peer review under this sec-  
16 tion—

17 (A) shall be a Federal expense; and

18 (B) shall not exceed \$500,000.

19 (2) WAIVER.—The Chief of Engineers may  
20 waive the \$500,000 limitation contained in para-  
21 graph (1)(B) in cases that the Chief of Engineers  
22 determines appropriate.

23 (h) APPLICABILITY.—This section shall apply to—

24 (1) project studies initiated during the 2-year  
25 period preceding the date of enactment of this Act

1 and for which the array of alternatives to be consid-  
2 ered has not been identified; and

3 (2) project studies initiated during the period  
4 beginning on such date of enactment and ending 4  
5 years after such date of enactment.

6 (i) REPORT.—Within 4½ years of the date of enact-  
7 ment of this section, the Chief of Engineers shall submit  
8 a report to Congress on the implementation of this section.

9 (j) NONAPPLICABILITY OF FACCA.—The Federal Ad-  
10 visory Committee Act (5 U.S.C. App.) shall not apply to  
11 any peer review panel established under this section.

12 (k) SAVINGS CLAUSE.—Nothing in this section shall  
13 be construed to affect any authority of the Chief of Engi-  
14 neers to cause or conduct a peer review of a water re-  
15 sources project existing on the date of enactment of this  
16 section.

17 (l) DEFINITIONS.—In this section, the following defi-  
18 nitions apply:

19 (1) PROJECT STUDY.—The term “project  
20 study” means a feasibility study or reevaluation  
21 study for a project. The term also includes any other  
22 study associated with a modification or update of a  
23 project that includes an environmental impact state-  
24 ment, including the environmental impact statement.

1           (2) AFFECTED STATE.—The term “affected  
2       State”, as used with respect to a project, means a  
3       State all or a portion of which is within the drainage  
4       basin in which the project is or would be located and  
5       would be economically or environmentally affected as  
6       a consequence of the project.

7           (3) ELIGIBLE ORGANIZATION.—The term “eligi-  
8       ble organization” means an organization that—

9                       (A) is described in section 501(c)(3), and  
10                      exempt from Federal tax under section 501(a),  
11                      of the Internal Revenue Code of 1986;

12                     (B) is independent;

13                     (C) is free from conflicts of interest;

14                     (D) does not carry out or advocate for or  
15                      against Federal water resources projects; and

16                     (E) has experience in establishing and ad-  
17                      ministering peer review panels.

18 **SEC. 2031. TRAINING FUNDS.**

19       (a) IN GENERAL.—The Secretary may include indi-  
20       viduals not employed by the Department of the Army in  
21       training classes and courses offered by the Corps of Engi-  
22       neers in any case in which the Secretary determines that  
23       it is in the best interest of the Federal Government to  
24       include those individuals as participants.

25       (b) EXPENSES.—

1           (1) IN GENERAL.—An individual not employed  
2       by the Department of the Army attending a training  
3       class or course described in subsection (a) shall pay  
4       the full cost of the training provided to the indi-  
5       vidual.

6           (2) PAYMENTS.—Payments made by an indi-  
7       vidual for training received under paragraph (1), up  
8       to the actual cost of the training—

9                 (A) may be retained by the Secretary;

10                (B) shall be credited to an appropriation  
11       or account used for paying training costs; and

12                (C) shall be available for use by the Sec-  
13       retary, without further appropriation, for train-  
14       ing purposes.

15           (3) EXCESS AMOUNTS.—Any payments received  
16       under paragraph (2) that are in excess of the actual  
17       cost of training provided shall be credited as mis-  
18       cellaneous receipts to the Treasury of the United  
19       States.

20   **SEC. 2032. ACCESS TO WATER RESOURCE DATA.**

21       (a) IN GENERAL.—The Secretary shall carry out a  
22       program to provide public access to water resource and  
23       related water quality data in the custody of the Corps of  
24       Engineers.

1 (b) DATA.—Public access under subsection (a)  
2 shall—

3 (1) include, at a minimum, access to data gen-  
4 erated in water resources project development and  
5 regulation under section 404 of the Federal Water  
6 Pollution Control Act (33 U.S.C. 1344); and

7 (2) appropriately employ geographic informa-  
8 tion system technology and linkages to water re-  
9 source models and analytical techniques.

10 (c) PARTNERSHIPS.—To the maximum extent prac-  
11 ticable, in carrying out activities under this section, the  
12 Secretary shall develop partnerships, including cooperative  
13 agreements with State, tribal, and local governments and  
14 other Federal agencies.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$5,000,000 for each fiscal year.

18 **SEC. 2033. SHORE PROTECTION PROJECTS.**

19 (a) IN GENERAL.—In accordance with the Act of  
20 July 3, 1930 (33 U.S.C. 426), and notwithstanding ad-  
21 ministrative actions, it is the policy of the United States  
22 to promote beach nourishment for the purposes of flood  
23 damage reduction and hurricane and storm damage reduc-  
24 tion and related research that encourage the protection,  
25 restoration, and enhancement of sandy beaches, including



1 beach restoration and periodic beach renourishment for a  
2 period of 50 years, on a comprehensive and coordinated  
3 basis by the Federal Government, States, localities, and  
4 private enterprises.

5 (b) PREFERENCE.—In carrying out the policy, pref-  
6 erence shall be given to—

7 (1) areas in which there has been a Federal in-  
8 vestment of funds for the purposes described in sub-  
9 section (a); and

10 (2) areas with respect to which the need for  
11 prevention or mitigation of damage to shores and  
12 beaches is attributable to Federal navigation  
13 projects or other Federal activities.

14 (c) APPLICABILITY.—The Secretary shall apply the  
15 policy to each shore protection and beach renourishment  
16 project (including shore protection and beach renourish-  
17 ment projects constructed before the date of enactment  
18 of this Act).

19 **SEC. 2034. ABILITY TO PAY.**

20 (a) CRITERIA AND PROCEDURES.—Section  
21 103(m)(2) of the Water Resources Development Act of  
22 1986 (33 U.S.C. 2213(m)(2)) is amended by striking  
23 “180 days after such date of enactment” and inserting  
24 “August 31, 2005”.

1 (b) PROJECTS.—The Secretary shall apply the cri-  
2 teria and procedures referred to in section 103(m) of the  
3 Water Resources Development Act of 1986 (33 U.S.C.  
4 2213(m)) to the following projects:

5 (1) ST. JOHNS BAYOU AND NEW MADRID  
6 FLOODWAY, MISSOURI.—The project for flood con-  
7 trol, St. Johns Bayou and New Madrid Floodway,  
8 Missouri, authorized by section 401(a) of the Water  
9 Resources Development Act of 1986 (100 Stat.  
10 4118).

11 (2) LOWER RIO GRANDE BASIN, TEXAS.—The  
12 project for flood control, Lower Rio Grande Basin,  
13 Texas, authorized by section 401(a) of the Water  
14 Resources Development Act of 1986 (100 Stat.  
15 4125).

16 (3) WEST VIRGINIA AND PENNSYLVANIA  
17 PROJECTS.—The projects for flood control author-  
18 ized by section 581 of the Water Resources Develop-  
19 ment Act of 1996 (110 Stat. 3790–3791).

20 **SEC. 2035. AQUATIC ECOSYSTEM RESTORATION.**

21 Section 206(e) of the Water Resources Development  
22 Act of 1996 (33 U.S.C. 2330) is amended by striking  
23 “\$25,000,000” and inserting “\$40,000,000”.

1 **SEC. 2036. SMALL FLOOD DAMAGE REDUCTION PROJECTS.**

2 Section 205 of the Flood Control Act of 1948 (33  
3 U.S.C. 701s) is amended by striking “\$50,000,000” and  
4 inserting “\$60,000,000”.

5 **SEC. 2037. LEASING AUTHORITY.**

6 Section 4 of the Act entitled “An Act authorizing the  
7 construction of certain public works on rivers and harbors  
8 for flood control, and other purposes”, approved December  
9 22, 1944 (16 U.S.C. 460d) is amended—

10 (1) by inserting “federally-recognized Indian  
11 tribes and” before “Federal” the first place it ap-  
12 pears;

13 (2) by inserting “Indian tribes or” after “con-  
14 siderations, to such”; and

15 (3) by inserting “federally-recognized Indian  
16 tribe” after “That in any such lease or license to a”.

17 **SEC. 2038. COST ESTIMATES.**

18 The estimated Federal and non-Federal costs of  
19 projects authorized to be carried out by the Secretary be-  
20 fore, on, or after the date of enactment of this Act are  
21 for informational purposes only and shall not be inter-  
22 preted as affecting the cost sharing responsibilities estab-  
23 lished by law.

24 **SEC. 2039. STUDIES AND REPORTS FOR WATER RESOURCES**  
25 **PROJECTS.**

26 (a) STUDIES.—

1           (1) COST-SHARING REQUIREMENTS.—Section  
2       105(a) of the Water Resources Development Act of  
3       1986 (33 U.S.C. 2215(a)) is amended by adding at  
4       the end the following:

5           “(3) DETAILED PROJECT REPORTS.—The re-  
6       quirements of this subsection that apply to a feasi-  
7       bility study also shall apply to a study that results  
8       in a detailed project report, except that—

9           “(A) the first \$100,000 of the costs of a  
10       study that results in a detailed project report  
11       shall be a Federal expense; and

12           “(B) paragraph (1)(C)(ii) shall not apply  
13       to such a study.”.

14           (2) PLANNING AND ENGINEERING.—Section  
15       105(b) of such Act (33 U.S.C. 2215(b)) is amended  
16       by striking “authorized by this Act”.

17           (3) DEFINITIONS.—Section 105 of such Act (33  
18       U.S.C. 2215) is amended by adding at the end the  
19       following:

20       “(d) DEFINITIONS.—In this section, the following  
21       definitions apply:

22           “(1) DETAILED PROJECT REPORT.—The term  
23       ‘detailed project report’ means a report for a project  
24       not specifically authorized by Congress in law or  
25       otherwise that determines the feasibility of the

1 project with a level of detail appropriate to the scope  
2 and complexity of the recommended solution and  
3 sufficient to proceed directly to the preparation of  
4 contract plans and specifications. The term includes  
5 any associated environmental impact statement and  
6 mitigation plan. For a project for which the Federal  
7 cost does not exceed \$1,000,000, the term includes  
8 a planning and design analysis document.

9 “(2) FEASIBILITY STUDY.—The term ‘feasi-  
10 bility study’ means a study that results in a feasi-  
11 bility report under section 905, and any associated  
12 environmental impact statement and mitigation  
13 plan, prepared by the Corps of Engineers for a  
14 water resources project. The term includes a study  
15 that results in a project implementation report pre-  
16 pared under title VI of the Water Resources Devel-  
17 opment Act of 2000 (114 Stat. 2680–2694), a gen-  
18 eral reevaluation report, and a limited reevaluation  
19 report.”.

20 (b) REPORTS.—

21 (1) PREPARATION.—Section 905(a) of the  
22 Water Resources Development Act of 1986 (33  
23 U.S.C. 2282(a); 100 Stat. 4185) is amended—

24 (A) by striking “(a) In the case of any”  
25 and inserting the following:

1 “(a) PREPARATION OF REPORTS.—

2 “(1) IN GENERAL.—In the case of any”;

3 (B) by striking “the Secretary, the Sec-  
4 retary shall” and inserting “the Secretary that  
5 results in recommendations concerning a  
6 project or the operation of a project and that  
7 requires specific authorization by Congress in  
8 law or otherwise, the Secretary shall perform a  
9 reconnaissance study and”;

10 (C) by striking “Such feasibility report”  
11 and inserting the following:

12 “(2) CONTENTS OF FEASIBILITY REPORTS.—A  
13 feasibility report”;

14 (D) by striking “The feasibility report”  
15 and inserting “A feasibility report”; and

16 (E) by striking the last sentence and in-  
17 serting the following:

18 “(3) APPLICABILITY.—This subsection shall not  
19 apply to—

20 “(A) any study with respect to which a re-  
21 port has been submitted to Congress before the  
22 date of enactment of this Act;

23 “(B) any study for a project, which project  
24 is authorized for construction by this Act and  
25 is not subject to section 903(b);

1           “(C) any study for a project which does  
2           not require specific authorization by Congress  
3           in law or otherwise; and

4           “(D) general studies not intended to lead  
5           to recommendation of a specific water resources  
6           project.

7           “(4) FEASIBILITY REPORT DEFINED.—In this  
8           subsection, the term ‘feasibility report’ means each  
9           feasibility report, and any associated environmental  
10          impact statement and mitigation plan, prepared by  
11          the Corps of Engineers for a water resources  
12          project. The term includes a project implementation  
13          report prepared under title VI of the Water Re-  
14          sources Development Act of 2000 (114 Stat. 2680–  
15          2694), a general reevaluation report, and a limited  
16          reevaluation report.”.

17          (2) PROJECTS NOT SPECIALLY AUTHORIZED  
18          BY CONGRESS.—Section 905 of such Act is further  
19          amended—

20                 (A) in subsection (b) by inserting “RECON-  
21                 NAISSANCE STUDIES.—” before “Before initi-  
22                 ating”;

23                 (B) by redesignating subsections (c), (d),  
24                 and (e) as subsections (d), (e), and (f), respec-  
25                 tively;

1 (C) by inserting after subsection (b) the  
2 following:

3 “(c) PROJECTS NOT SPECIFICALLY AUTHORIZED BY  
4 CONGRESS.—In the case of any water resources project-  
5 related study authorized to be undertaken by the Sec-  
6 retary without specific authorization by Congress in law  
7 or otherwise, the Secretary shall prepare a detailed project  
8 report.”;

9 (D) in subsection (d) (as so redesignated)  
10 by inserting “INDIAN TRIBES.—” before “For  
11 purposes of”; and

12 (E) in subsection (e) (as so redesignated)  
13 by inserting “STANDARD AND UNIFORM PRO-  
14 CEDURES AND PRACTICES.—” before “The Sec-  
15 retary shall”.

16 **SEC. 2040. FISCAL TRANSPARENCY REPORT.**

17 (a) IN GENERAL.—On the third Tuesday of January  
18 of each year beginning January 2006, the Chief of Engi-  
19 neers shall submit to the Committee on Environment and  
20 Public Works of the Senate and the Committee on Trans-  
21 portation and Infrastructure of the House of Representa-  
22 tives a report on the expenditures for the preceding fiscal  
23 year and estimated expenditures for the current fiscal year  
24 and, for projects and activities that are not scheduled for  
25 completion in the current fiscal year, the estimated ex-



1 penditures necessary in the following fiscal year for each  
2 project or activity to maintain the same level of effort  
3 being achieved in the current fiscal year.

4 (b) CONTENTS.—In addition to the information de-  
5 scribed in subsection (a), the report shall contain a de-  
6 tailed accounting of the following information:

7 (1) With respect to general construction, infor-  
8 mation on—

9 (A) projects currently under construction,  
10 including—

11 (i) allocations to date;

12 (ii) the number of years remaining to  
13 complete construction;

14 (iii) the estimated annual Federal cost  
15 to maintain that construction schedule;  
16 and

17 (iv) a list of projects the Corps of En-  
18 gineers expects to complete during the cur-  
19 rent fiscal year; and

20 (B) projects for which there is a signed  
21 cost-sharing agreement and completed planning,  
22 engineering, and design, including—

23 (i) the number of years the project is  
24 expected to require for completion; and

1 (ii) estimated annual Federal cost to  
2 maintain that construction schedule.

3 (2) With respect to operation and maintenance  
4 of the inland and intracoastal waterways under sec-  
5 tion 206 of Public Law 95–502 (33 U.S.C. 1804)—

6 (A) the estimated annual cost to maintain  
7 each waterway for the authorized reach and at  
8 the authorized depth; and

9 (B) the estimated annual cost of operation  
10 and maintenance of locks and dams to ensure  
11 navigation without interruption.

12 (3) With respect to general investigations and  
13 reconnaissance and feasibility studies—

14 (A) the number of active studies;

15 (B) the number of completed studies not  
16 yet authorized for construction;

17 (C) the number of initiated studies; and

18 (D) the number of studies expected to be  
19 completed during the fiscal year.

20 (4) Funding received and estimates of funds to  
21 be received for interagency and international support  
22 activities under section 318(a) of the Water Re-  
23 sources Development Act of 1990 (33 U.S.C.  
24 2323(a)).

25 (5) Recreation fees and lease payments.

1 (6) Hydropower and water storage fees.

2 (7) Deposits into the Inland Waterway Trust  
3 Fund and the Harbor Maintenance Trust Fund.

4 (8) Other revenues and fees collected.

5 **SEC. 2041. SUPPORT OF ARMY CIVIL WORKS PROGRAM.**

6 (a) IN GENERAL.—Notwithstanding section 2361 of  
7 title 10, United States Code, the Secretary is authorized  
8 to provide assistance through contracts, cooperative agree-  
9 ments, and grants to—

10 (1) the University of Tennessee, Knoxville, Ten-  
11 nessee, for establishment and operation of the  
12 Southeastern Water Resources Institute to study  
13 sustainable development and utilization of water re-  
14 sources in the southeastern United States;

15 (2) Lewis and Clark Community College, Illi-  
16 nois, for the Great Rivers National Research and  
17 Education Center (including facilities that have been  
18 or will be constructed at one or more locations in the  
19 vicinity of the confluence of the Illinois River, the  
20 Missouri River, and the Mississippi River), a collabo-  
21 rative effort of Lewis and Clark Community College,  
22 the University of Illinois, the Illinois Department of  
23 Natural Resources and Environmental Sciences, and  
24 other entities, for the study of river ecology, devel-  
25 oping watershed and river management strategies,

1 and educating students and the public on river  
2 issues; and

3 (3) the University of Texas at Dallas for sup-  
4 port and operation of the International Center for  
5 Decision and Risk Analysis to study risk analysis  
6 and control methods for transboundary water re-  
7 sources management in the southwestern United  
8 States and other international water resources man-  
9 agement problems.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to the Secretary to carry  
12 out subsection (a)(1) \$5,000,000, to carry out subsection  
13 (a)(2) \$5,000,000, and to carry out subsection (a)(3)  
14 \$5,000,000. Such sums shall remain available until ex-  
15 pended.

16 **SEC. 2042. CRITERIA FOR OPERATION AND MAINTENANCE**  
17 **OF HARBOR DREDGING PROJECTS.**

18 The Secretary shall budget and request appropria-  
19 tions for operation and maintenance of harbor dredging  
20 projects based only upon criteria used for such projects  
21 in fiscal year 2004.

1     **TITLE III—PROJECT-RELATED**  
2                     **PROVISIONS**

3     **SEC. 3001. COOK INLET, ALASKA.**

4             Section 118(a)(2) of the Energy and Water Develop-  
5     ment Appropriations Act, 2005 (title I of division C of  
6     the Consolidated Appropriations Act, 2005; 118 Stat.  
7     2945) is amended—

8             (1) by inserting “maximum navigational” be-  
9     fore “draft”;

10            (2) by striking “greater than”; and

11            (3) by inserting “or greater” after “35 feet”.

12     **SEC. 3002. KING COVE HARBOR, ALASKA.**

13            The maximum amount of Federal funds that may be  
14     expended for the project for navigation, King Cove Har-  
15     bor, Alaska, being carried out under section 107 of the  
16     River and Harbor Act of 1960 (33 U.S.C. 577), shall be  
17     \$8,000,000.

18     **SEC. 3003. ST. PAUL HARBOR, ST. PAUL ISLAND, ALASKA.**

19            (a) SMALL BOAT HARBOR.—No elements of the  
20     project for navigation, St. Paul Harbor, St. Paul Island,  
21     Alaska, authorized by section 101(b)(3) of the Water Re-  
22     sources Development Act of 1996 (110 Stat. 3667) and  
23     modified by section 303 of the Water Resources Develop-  
24     ment Act of 1999 (113 Stat. 298) and section 105 of the  
25     Energy and Water Development Appropriations Act, 2003

1 (117 Stat. 139), shall be treated by the Secretary as sepa-  
2 rable.

3 (b) LIMITATION ON NON-FEDERAL SHARE.—The  
4 non-Federal share for the project shall not exceed  
5 \$14,400,000.

6 **SEC. 3004. SITKA, ALASKA.**

7 The Thompson Harbor, Sitka, Alaska, element of the  
8 project for navigation Southeast Alaska Harbors of Ref-  
9 uge, Alaska, authorized by section 101 of the Water Re-  
10 sources Development Act of 1992 (106 Stat. 4801), is  
11 modified to direct the Secretary to take such action as  
12 may be necessary to correct design deficiencies in such ele-  
13 ment, at a Federal expense of \$6,300,000.

14 **SEC. 3005. TATITLEK, ALASKA.**

15 The maximum amount of Federal funds that may be  
16 expended for the project for navigation, Tatitlek, Alaska,  
17 being carried out under section 107 of the River and Har-  
18 bor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

19 **SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO**  
20 **BASIN, ARKANSAS.**

21 The Secretary shall review the general reevaluation  
22 report for the Bayou Meto basin element of the project  
23 for Grand Prairie Region and Bayou Meto Basin, Arkan-  
24 sas, reauthorized by section 363(a) of the Water Re-  
25 sources Development Act of 1996 (110 Stat. 3730), and

1 make a determination of whether the element is feasible,  
2 regardless of mission priorities.

3 **SEC. 3007. OSCEOLA HARBOR, ARKANSAS.**

4 (a) IN GENERAL.—The project for navigation, Osce-  
5 ola Harbor, Arkansas, constructed under section 107 of  
6 the River and Harbor Act of 1960 (33 U.S.C. 577), is  
7 modified to allow non-Federal interests to construct a  
8 mooring facility within the existing authorized harbor  
9 channel, subject to all necessary permits, certifications,  
10 and other requirements.

11 (b) LIMITATION ON STATUTORY CONSTRUCTION.—  
12 Nothing in this section shall be construed as affecting the  
13 responsibility of the Secretary to maintain the general  
14 navigation features of the project at a bottom width of  
15 250 feet.

16 **SEC. 3008. PINE MOUNTAIN DAM, ARKANSAS.**

17 The Pine Mountain Dam feature of the project for  
18 flood protection, Lee Creek, Arkansas and Oklahoma, au-  
19 thorized by section 204 of the Flood Control Act of 1965  
20 (79 Stat. 1078), is modified—

21 (1) to add environmental restoration as a  
22 project purpose; and

23 (2) to direct the Secretary to finance the non-  
24 Federal share of the cost of the project over a 30-  
25 year period in accordance with section 103(k) of the

1 Water Resources Development Act of 1986 (33  
2 U.S.C. 2213(k)).

3 **SEC. 3009. SAINT FRANCIS BASIN, ARKANSAS.**

4 The project for flood control, Saint Francis Basin,  
5 Missouri and Arkansas, authorized by section 204 of the  
6 Flood Control Act of 1950 (64 Stat. 172), is modified to  
7 authorize the Secretary to construct improvements along  
8 Ditch No. 1 that consist of a gated culvert through the  
9 Saint Francis Levee and related channel improvements.

10 **SEC. 3010. AMERICAN RIVER WATERSHED, CALIFORNIA.**

11 Section 128 of Public Law 108–137 (117 Stat. 1838)  
12 is amended by adding at the end the following:

13 “(c) DAM SAFETY MODIFICATIONS AT L.L. ANDER-  
14 SON DAM.—In determining improvements for dam safety  
15 that are necessary at the L.L. Anderson Dam, the Sec-  
16 retary shall consider the without-project condition to be  
17 the dam as it existed on December 1, 2003.

18 “(d) COST ALLOCATION.—In allocating costs for the  
19 project authorized in subsection (a), the Secretary shall  
20 use the project cost allocations for flood damage reduction  
21 and dam safety that are contained in the American River  
22 Watershed, California, long-term study final supplemental  
23 plan formulation report dated February 2002.”.



1 **SEC. 3011. COMPTON CREEK, CALIFORNIA.**

2       The project for flood control, Los Angeles Drainage  
3 Area, California, authorized by section 101(b) of the  
4 Water Resources Development Act of 1990 (104 Stat.  
5 4611), is modified to add environmental restoration and  
6 recreation as project purposes.

7 **SEC. 3012. GRAYSON CREEK/MURDERER'S CREEK, CALI-**  
8 **FORNIA.**

9       The project for aquatic ecosystem restoration, Gray-  
10 son Creek/Murderer's Creek, California, being carried out  
11 under section 206 of the Water Resources Development  
12 Act of 1996 (33 U.S.C. 2330), is modified to direct the  
13 Secretary to credit toward the non-Federal share of the  
14 cost of the project the cost of work carried out by the  
15 non-Federal interest before the date of the partnership  
16 agreement for the project if the Secretary determines that  
17 the work is integral to the project and to authorize the  
18 Secretary to consider national ecosystem restoration bene-  
19 fits in determining the Federal interest in the project.

20 **SEC. 3013. HAMILTON AIRFIELD, CALIFORNIA.**

21       The project for environmental restoration, Hamilton  
22 Airfield, California, authorized by section 101(b)(3) of the  
23 Water Resources Development Act of 1999 (113 Stat.  
24 279), is modified to direct the Secretary to construct the  
25 project substantially in accordance with the report of the  
26 Chief of Engineers dated July 19, 2004, at a total cost

1 of \$205,226,000, with an estimated Federal cost of  
2 \$153,840,000 and an estimated non-Federal cost of  
3 \$51,386,000.

4 **SEC. 3014. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**  
5 **TON SHIP CHANNEL, CALIFORNIA.**

6 The project for navigation, San Francisco to Stock-  
7 ton, California, authorized by section 301 of the River and  
8 Harbor Act of 1965 (79 Stat. 1091) is modified—

9 (1) to provide that the non-Federal share of the  
10 cost of the John F. Baldwin Ship Channel and  
11 Stockton Ship Channel element of the project may  
12 be provided in the form of in-kind services and ma-  
13 terials; and

14 (2) to direct the Secretary to credit toward the  
15 non-Federal share of the cost of such element the  
16 cost of planning and design work carried out by the  
17 non-Federal interest before the date of an agreement  
18 for such planning and design if the Secretary deter-  
19 mines that such work is integral to such element.

20 **SEC. 3015. KAWEAH RIVER, CALIFORNIA.**

21 The project for flood control, Terminus Dam,  
22 Kaweah River, California, authorized by section 101(b)(5)  
23 of the Water Resources Development Act of 1996 (110  
24 Stat. 3658), is modified to direct the Secretary to credit  
25 toward the non-Federal share of the cost of the project,

1 or provide reimbursement not to exceed \$800,000, for the  
2 costs of any work carried out by the non-Federal interest  
3 before, on, or after the date of the project partnership  
4 agreement if the Secretary determines that the work is  
5 integral to the project.

6 **SEC. 3016. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**  
7 **FORNIA.**

8 The project for navigation, Larkspur Ferry Channel,  
9 Larkspur, California, authorized by section 601(d) of the  
10 Water Resources Development Act of 1986 (100 Stat.  
11 4148), is modified to direct the Secretary to determine  
12 whether maintenance of the project is feasible, and if the  
13 Secretary determines that maintenance of the project is  
14 feasible, to carry out such maintenance.

15 **SEC. 3017. LLAGAS CREEK, CALIFORNIA.**

16 The project for flood damage reduction, Llagas  
17 Creek, California, authorized by section 501(a) of the  
18 Water Resources Development Act of 1999 (113 Stat.  
19 333), is modified to authorize the Secretary to carry out  
20 the project at a total cost of \$105,000,000.

21 **SEC. 3018. LOS ANGELES HARBOR, CALIFORNIA.**

22 The project for navigation, Los Angeles Harbor, Cali-  
23 fornia, authorized by section 101(b)(5) of the Water Re-  
24 sources Development Act of 2000 (114 Stat. 2577), is

1 modified to authorize the Secretary to carry out the  
2 project at a total cost of \$222,000,000.

3 **SEC. 3019. MAGPIE CREEK, CALIFORNIA.**

4 (a) IN GENERAL.—The project for Magpie Creek,  
5 California, authorized under section 205 of the Flood Con-  
6 trol Act of 1948 (33 U.S.C. 701s), is modified to direct  
7 the Secretary to apply the cost-sharing requirements of  
8 section 103(b) of the Water Resources Development Act  
9 of 1986 (100 Stat. 4085) for the portion of the project  
10 consisting of land acquisition to preserve and enhance ex-  
11 isting floodwater storage.

12 (b) CREDIT.—The Secretary shall credit toward the  
13 non-Federal share of the cost of the project the cost of  
14 planning and design work carried out by the non-Federal  
15 interest before the date of the partnership agreement for  
16 the project if the Secretary determines that the work is  
17 integral to the project.

18 **SEC. 3020. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**  
19 **FORNIA.**

20 The project for aquatic ecosystem restoration, Pacific  
21 Flyway Center, Sacramento, California, being carried out  
22 under section 206 of the Water Resources Development  
23 Act of 1996 (33 U.S.C. 2330), is modified to authorize  
24 the Secretary to expend \$2,000,000 to enhance public ac-  
25 cess to the project.

1 **SEC. 3021. PINOLE CREEK, CALIFORNIA.**

2       The project for improvement of the quality of the en-  
3 vironment, Pinole Creek Phase I, California, being carried  
4 out under section 1135 of the Water Resources Develop-  
5 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct  
6 the Secretary to credit toward the non-Federal share of  
7 the cost of the project the cost of work carried out by  
8 the non-Federal interest before the date of the partnership  
9 agreement for the project if the Secretary determines that  
10 the work is integral to the project.

11 **SEC. 3022. PRADO DAM, CALIFORNIA.**

12       Upon completion of the modifications to the Prado  
13 Dam element of the project for flood control, Santa Ana  
14 River Mainstem, California, authorized by section 401(a)  
15 of the Water Resources Development Act of 1986 (100  
16 Stat. 4113), the Memorandum of Agreement for the Oper-  
17 ation for Prado Dam for Seasonal Additional Water Con-  
18 servation between the Department of the Army and the  
19 Orange County Water District (including all the condi-  
20 tions and stipulations in the memorandum) shall remain  
21 in effect for volumes of water made available prior to such  
22 modifications.

23 **SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD**  
24 **CONTROL, CALIFORNIA.**

25       (a) DETERMINATION OF FEDERAL COSTS PAID BY  
26 NON-FEDERAL INTEREST.—

1           (1) FEDERAL COSTS PAID BY NON-FEDERAL IN-  
2           TEREST.—The Secretary shall determine the amount  
3           paid by the Sacramento Area Flood Control Agency  
4           towards the Federal share of the cost of the project  
5           for the Natomas levee features authorized by section  
6           9159(b) of the Department of Defense Appropria-  
7           tions Act, 1993 (106 Stat. 1944) of the project for  
8           flood control and recreation, Sacramento and Amer-  
9           ican Rivers, California.

10          (2) REIMBURSEMENTS TO NON-FEDERAL IN-  
11          TEREST.—The Secretary shall determine the amount  
12          of reimbursements paid to the Sacramento Flood  
13          Control Agency for payment of the Federal share of  
14          the cost of the project referred to in paragraph (1).

15          (3) DETERMINATION OF FEDERAL SHARE.—In  
16          carrying out paragraph (1), the Secretary shall in-  
17          clude in the total cost of the project all costs of the  
18          following activities that the Secretary determines to  
19          be integral to the project:

20                (A) Planning, engineering, and construc-  
21                tion.

22                (B) Acquisition of project lands, ease-  
23                ments, and rights-of-way.

24                (C) Performance of relocations.

1 (D) Environmental mitigation for all  
2 project elements.

3 (b) CREDIT.—

4 (1) IN GENERAL.—The Secretary shall credit  
5 toward the non-Federal share of the cost of any  
6 flood damage reduction project, authorized before  
7 the date of enactment of this Act, for which the non-  
8 Federal interest is the Sacramento Area Flood Con-  
9 trol Agency an amount equal to the total amount de-  
10 termined under subsection (a)(1) reduced by the  
11 amount determined under subsection (a)(2).

12 (2) ALLOCATION OF CREDIT.—The Secretary  
13 shall allocate the amount to be credited under para-  
14 graph (1) toward the non-Federal share of such  
15 projects as are requested by the Sacramento Area  
16 Flood Control Agency.

17 **SEC. 3024. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
18 **CALIFORNIA.**

19 The project for navigation, Sacramento Deep Water  
20 Ship Channel, California, authorized by section 202(a) of  
21 the Water Resources Development Act of 1986 (100 Stat.  
22 4092), is modified to direct the Secretary to credit toward  
23 the non-Federal share of the cost of the project the cost  
24 of planning and design work carried out by the non-Fed-  
25 eral interest before the date of the partnership agreement

1 for the project if the Secretary determines that the work  
2 is integral to the project.

3 **SEC. 3025. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**  
4 **FORNIA.**

5       The project for flood control, Sacramento River, Cali-  
6 fornia, authorized by section 2 of the Act entitled “An Act  
7 to provide for the control of the floods of the Mississippi  
8 River and of the Sacramento River, California, and for  
9 other purposes”, approved March 1, 1917 (39 Stat. 949),  
10 and modified by section 102 of the Energy and Water De-  
11 velopment Appropriations Act, 1990 (103 Stat. 649), sec-  
12 tion 301(b)(3) of the Water Resources Development Act  
13 of 1996 (110 Stat. 3110), title I of the Energy and Water  
14 Development Appropriations Act, 1999 (112 Stat. 1841),  
15 and section 305 of the Water Resources Development Act  
16 of 1999 (113 Stat. 299), is further modified to direct the  
17 Secretary to credit the non-Federal interest up to  
18 \$4,000,000 toward the non-Federal share of the cost of  
19 the project for costs incurred by the non-Federal interest  
20 in carrying out activities (including the provision of lands,  
21 easements, rights-of-way, relocations, and dredged mate-  
22 rial disposal areas) associated with environmental compli-  
23 ance for the project if the Secretary determines that the  
24 activities are integral to the project.



1 **SEC. 3026. SANTA CRUZ HARBOR, CALIFORNIA.**

2       The project of navigation, Santa Cruz Harbor, Cali-  
3       fornia, authorized by section 101 of the River and Harbor  
4       Act of 1958 (72 Stat. 300) and modified by section 809  
5       of the Water Resources Development Act of 1986 (100  
6       Stat. 4168) and section 526 of the Water Resources De-  
7       velopment Act of 1999 (113 Stat. 346), is modified to di-  
8       rect the Secretary—

9               (1) to renegotiate the memorandum of agree-  
10       ment with the non-Federal interest to increase the  
11       annual payment to reflect the updated cost of oper-  
12       ation and maintenance that is the Federal and non-  
13       Federal share as provided by law based on the  
14       project purpose; and

15               (2) to revise the memorandum of agreement to  
16       include terms that revise such payments for infla-  
17       tion.

18 **SEC. 3027. SEVEN OAKS DAM, CALIFORNIA.**

19       The project for flood control, Santa Ana Mainstem,  
20       authorized by section 401(a) of the Water Resources De-  
21       velopment Act of 1986 (100 Stat. 4113) and modified by  
22       section 104 of the Energy and Water Development Appro-  
23       priations Act, 1988 (101 Stat. 1329–11), section 102(e)  
24       of the Water Resources Development Act of 1990 (104  
25       Stat. 4611), and section 311 of the Water Resources De-  
26       velopment Act of 1996 (110 Stat. 3713), is further modi-

1   fied to direct the Secretary to conduct a study for the re-  
2   allocation of water storage at the Seven Oaks Dam, Cali-  
3   fornia, for water conservation.

4   **SEC. 3028. UPPER GUADALUPE RIVER, CALIFORNIA.**

5       The project for flood damage reduction and recre-  
6   ation, Upper Guadalupe River, California, described as the  
7   Bypass Channel Plan of the Chief of Engineers dated Au-  
8   gust 19, 1998, authorized by section 101(a)(9) of the  
9   Water Resources Development Act of 1999 (113 Stat.  
10  275), is modified to authorize the Secretary to construct  
11  the project, at a total cost of \$212,100,000, with an esti-  
12  mated Federal cost of \$106,050,000, and an estimated  
13  non-Federal cost of \$106,050,000. The non-Federal share  
14  of the cost of the project shall be subject to section  
15  103(a)(3) of the Water Resources Development Act of  
16  1986 (33 U.S.C. 2213(a)(3)).

17   **SEC. 3029. WALNUT CREEK CHANNEL, CALIFORNIA.**

18       The project for aquatic ecosystem restoration, Wal-  
19  nut Creek Channel, California, being carried out under  
20  section 206 of the Water Resources Development Act of  
21  1996 (33 U.S.C. 2330), is modified to direct the Secretary  
22  to credit toward the non-Federal share of the cost of the  
23  project the cost of work carried out by the non-Federal  
24  interest before the date of the partnership agreement for  
25  the project if the Secretary determines that the work is

1 integral to the project and to authorize the Secretary to  
2 consider national ecosystem restoration benefits in deter-  
3 mining the Federal interest in the project.

4 **SEC. 3030. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**  
5 **FORNIA.**

6 The project for improvement of the quality of the en-  
7 vironment, Wildcat/San Pablo Creek Phase I, California,  
8 being carried out under section 1135 of the Water Re-  
9 sources Development Act of 1986 (33 U.S.C. 2309a), is  
10 modified to direct the Secretary to credit toward the non-  
11 Federal share of the cost of the project the cost of work  
12 carried out by the non-Federal interest before the date of  
13 the partnership agreement for the project if the Secretary  
14 determines that the work is integral to the project.

15 **SEC. 3031. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**  
16 **FORNIA.**

17 The project for aquatic ecosystem restoration, Wild-  
18 cat/San Pablo Creek Phase II, California, being carried  
19 out under section 206 of the Water Resources Develop-  
20 ment Act of 1996 (33 U.S.C. 2330), is modified to direct  
21 the Secretary to credit toward the non-Federal share of  
22 the cost of the project the cost of work carried out by  
23 the non-Federal interest before the date of the partnership  
24 agreement for the project if the Secretary determines that  
25 the work is integral to the project and to authorize the

1 Secretary to consider national ecosystem restoration bene-  
2 fits in determining the Federal interest in the project.

3 **SEC. 3032. YUBA RIVER BASIN PROJECT, CALIFORNIA.**

4 The project for flood damage reduction, Yuba River  
5 Basin, California, authorized by section 101(a)(10) of the  
6 Water Resources Development Act of 1999 (113 Stat.  
7 275), is modified—

8 (1) to authorize the Secretary to construct the  
9 project at a total cost of \$107,700,000, with an esti-  
10 mated Federal cost of \$70,000,000 and an esti-  
11 mated non-Federal cost of \$37,700,000; and

12 (2) to direct the Secretary to credit toward the  
13 non-Federal share of the cost of the project the cost  
14 of work carried out by the non-Federal interest be-  
15 fore the date of the partnership agreement for the  
16 project if the Secretary determines that the work is  
17 integral to the project.

18 **SEC. 3033. SOUTH PLATTE RIVER BASIN, COLORADO.**

19 Section 808 of the Water Resources Development Act  
20 of 1986 (100 Stat. 4168) is amended by striking “agri-  
21 culture,” and inserting “agriculture, environmental res-  
22 toration,”.

1 **SEC. 3034. INTRACOASTAL WATERWAY, DELAWARE RIVER**  
2 **TO CHESAPEAKE BAY, DELAWARE AND MARY-**  
3 **LAND.**

4 The project for navigation, Intracoastal Waterway,  
5 Delaware River to Chesapeake Bay, Delaware and Mary-  
6 land, authorized by the first section of the Rivers and Har-  
7 bors Act of August 30, 1935 (49 Stat. 1030), and section  
8 101 of the River and Harbor Act of 1954 (68 Stat. 1249),  
9 is modified to add recreation as a project purpose.

10 **SEC. 3035. BREVARD COUNTY, FLORIDA.**

11 (a) SHORELINE.—The project for shoreline protec-  
12 tion, Brevard County, Florida, authorized by section  
13 101(b)(7) of the Water Resources Development Act of  
14 1996 (110 Stat. 3667), is modified—

15 (1) to direct the Secretary to establish the  
16 reach of the project as the reach between the Flor-  
17 ida department of environmental protection monu-  
18 ments 75.4 to 118.3, a distance of 7.6 miles; and

19 (2) to direct the Secretary to expedite the gen-  
20 eral reevaluation report required by section 418 of  
21 the Water Resources Development Act of 2000 (114  
22 Stat. 2637).

23 (b) CREDIT.—Section 310 of the Water Resources  
24 Development Act of 1999 (113 Stat. 301) is amended by  
25 adding at the end the following:

1       “(d) CREDIT.—After completion of the study, the  
2 Secretary shall credit toward the non-Federal share of the  
3 cost of the project the cost of nourishment and renourish-  
4 ment associated with the shore protection project incurred  
5 by the non-Federal interest to respond to damages to  
6 Brevard County beaches that are the result of a Federal  
7 navigation project, as determined in the final report for  
8 the study.”.

9       **SEC. 3036. BROWARD COUNTY AND HILLSBORO INLET,**  
10                               **FLORIDA.**

11       The project for shore protection, Broward County  
12 and Hillsboro Inlet, Florida, authorized by section 301 of  
13 the River and Harbor Act of 1965 (79 Stat. 1090), and  
14 modified by section 311 of the Water Resources Develop-  
15 ment Act of 1999 (113 Stat. 301), is further modified to  
16 direct the Secretary to credit toward the non-Federal  
17 share of the cost of the project the cost of mitigation con-  
18 struction and derelict erosion control structure removal  
19 carried out by the non-Federal interest before the date of  
20 the partnership agreement for the project if the Secretary  
21 determines that the work is integral to the project.

22       **SEC. 3037. CANAVERAL HARBOR, FLORIDA.**

23       In carrying out the project for navigation, Canaveral  
24 Harbor, Florida, authorized by section 101 of the River

1 and Harbor Act of 1962 (76 Stat. 1174), the Secretary  
2 shall construct a sediment trap.

3 **SEC. 3038. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

4 The project for shore protection, Gasparilla and  
5 Estero Island segments, Lee County, Florida, authorized  
6 under section 201 of the Flood Control Act of 1965 (79  
7 Stat. 1073) by Senate Resolution dated December 17,  
8 1970, and by House Resolution dated December 15, 1970,  
9 and modified by section 309 of the Water Resources De-  
10 velopment Act of 2000 (114 Stat. 2602), is further modi-  
11 fied to direct the Secretary to credit toward the non-Fed-  
12 eral share of the cost of the project the cost of work car-  
13 ried out by the non-Federal interest before the date of the  
14 partnership agreement for the project if the Secretary de-  
15 termines that the work is integral to the project.

16 **SEC. 3039. JACKSONVILLE HARBOR, FLORIDA.**

17 (a) IN GENERAL.—The project for navigation, Jack-  
18 sonville Harbor, Florida, authorized by section 101(a)(17)  
19 of the Water Resources Development Act of 1999 (113  
20 Stat. 276), is modified to authorize the Secretary to ex-  
21 tend the navigation features in accordance with the Report  
22 of the Chief of Engineers, dated July 22, 2003, at a total  
23 cost of \$14,658,000, with an estimated Federal cost of  
24 \$9,636,000 and an estimated non-Federal cost of  
25 \$5,022,000.

1       (b) GENERAL REEVALUATION REPORTS.—The non-  
2 Federal share of the cost of the general reevaluation re-  
3 port that resulted in the report of the Chief of Engineers  
4 for the project and the non-Federal share of the cost of  
5 the general reevaluation report for Jacksonville Harbor,  
6 Florida, being conducted on June 1, 2005, shall each be  
7 the same percentage as the non-Federal share of the cost  
8 of construction of the project.

9       (c) AGREEMENT.—The Secretary shall enter into new  
10 partnership agreements with the non-Federal interest to  
11 reflect the cost sharing required by subsection (b).

12 **SEC. 3040. LIDO KEY BEACH, SARASOTA, FLORIDA.**

13       (a) IN GENERAL.—The project for shore protection,  
14 Lido Key Beach, Sarasota, Florida, authorized by section  
15 101 of the River and Harbor Act of 1970 (84 Stat. 1819),  
16 deauthorized under section 1001(b) of the Water Re-  
17 sources Development Act of 1986 (33 U.S.C. 579a(b)),  
18 and reauthorized by section 364(2)(A) of the Water Re-  
19 sources Development Act of 1999 (113 Stat. 313), is  
20 modified to direct the Secretary to construct the project  
21 substantially in accordance with the report of the Chief  
22 of Engineers dated December 22, 2004, at a total cost  
23 of \$14,809,000, with an estimated Federal cost of  
24 \$9,088,000 and an estimated non-Federal cost of  
25 \$5,721,000, and at an estimated total cost of \$58,635,000



1 for periodic nourishment over the 50-year life of the  
2 project.

3 (b) CONSTRUCTION OF SHORELINE PROTECTION  
4 PROJECTS BY NON-FEDERAL INTERESTS.—The Sec-  
5 retary shall enter into a partnership agreement with the  
6 non-Federal sponsor in accordance with section 206 of the  
7 Water Resources Development Act of 1992 (33 U.S.C.  
8 426i–1) for the modified project.

9 **SEC. 3041. MIAMI HARBOR, FLORIDA.**

10 The project for navigation, Miami Harbor Channel,  
11 Florida, authorized by section 101(a)(9) of the Water Re-  
12 sources Development Act of 1990 (104 Stat. 4606) and  
13 modified by section 315 of the Water Resources Develop-  
14 ment Act of 1999 (113 Stat. 302), is further modified—

15 (1) to include as a project purpose environ-  
16 mental mitigation required before July 18, 2003, by  
17 a Federal, State, or local environmental agency for  
18 unauthorized or unanticipated environmental im-  
19 pacts within, or in the vicinity of, the authorized  
20 project; and

21 (2) to direct the Secretary to reimburse the  
22 non-Federal interest for the Federal share of the  
23 costs the non-Federal interest has incurred in con-  
24 struction of the project (including environmental  
25 mitigation costs and costs incurred for incomplete

1       usable increments of the project) in accordance with  
2       section 204 of the Water Resources Development  
3       Act of 1986 (33 U.S.C. 2232).

4   **SEC. 3042. PEANUT ISLAND, FLORIDA.**

5       The maximum amount of Federal funds that may be  
6       expended for the project for improvement of the quality  
7       of the environment, Peanut Island, Palm Beach County,  
8       Florida, being carried out under section 1135 of the Water  
9       Resources Development Act of 1986 (33 U.S.C. 2309a)  
10      shall be \$9,750,000.

11   **SEC. 3043. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

12      The project for navigation, Tampa Harbor-Big Bend  
13      Channel, Florida, authorized by section 101(a)(18) of the  
14      Water Resources Development Act of 1999 (113 Stat.  
15      276) is modified to direct the Secretary to credit toward  
16      the non-Federal share of the cost of the project the cost  
17      of planning, design, and construction work carried out by  
18      the non-Federal interest before the date of the partnership  
19      agreement for the project if the Secretary determines that  
20      the work is integral to the project.

21   **SEC. 3044. TAMPA HARBOR CUT B, FLORIDA.**

22      (a) IN GENERAL.—The project for navigation,  
23      Tampa Harbor, Florida, authorized by section 101 of the  
24      River and Harbor Act of 1970 (84 Stat. 1818), is modified  
25      to authorize the Secretary to construct passing lanes in

1 an area approximately 3.5 miles long and centered on  
2 Tampa Harbor Cut B if the Secretary determines that  
3 such improvements are necessary for navigation safety.

4 (b) GENERAL REEVALUATION REPORT.—The non-  
5 Federal share of the cost of the general reevaluation re-  
6 port for Tampa Harbor, Florida, being conducted on June  
7 1, 2005, shall be the same percentage as the non-Federal  
8 share of the cost of construction of the project.

9 (c) AGREEMENT.—The Secretary shall enter into a  
10 new partnership agreement with the non-Federal interest  
11 to reflect the cost sharing required by subsection (b).

12 **SEC. 3045. ALLATOONA LAKE, GEORGIA.**

13 (a) LAND EXCHANGE.—

14 (1) IN GENERAL.—The Secretary may exchange  
15 lands above 863 feet in elevation at Allatoona Lake,  
16 Georgia, identified in the Real Estate Design Memo-  
17 randum prepared by the Mobile district engineer,  
18 April 5, 1996, and approved October 8, 1996, for  
19 lands on the north side of Allatoona Lake that are  
20 needed for wildlife management and for protection  
21 of the water quality and overall environment of  
22 Allatoona Lake.

23 (2) TERMS AND CONDITIONS.—The basis for all  
24 land exchanges under this subsection shall be a fair

1 market appraisal so that lands exchanged are of  
2 equal value.

3 (b) DISPOSAL AND ACQUISITION OF LANDS,  
4 ALLATOONA LAKE, GEORGIA.—

5 (1) IN GENERAL.—The Secretary may also sell  
6 lands above 863 feet in elevation at Allatoona Lake,  
7 Georgia, identified in the memorandum referred to  
8 in subsection (a)(1) and may use the proceeds to  
9 pay costs associated with the purchase of lands  
10 needed for wildlife management and for protection  
11 of the water quality and overall environment of  
12 Allatoona Lake.

13 (2) TERMS AND CONDITIONS.—Land sales and  
14 purchases to be conducted under this subsection  
15 shall be subject to the following terms and condi-  
16 tions:

17 (A) Lands acquired under this subsection  
18 shall be by negotiated purchase from willing  
19 sellers only.

20 (B) The basis for all transactions under  
21 the program shall be a fair market appraisal  
22 acceptable to the Secretary.

23 (C) The purchasers shall share in the asso-  
24 ciated environmental and real estate costs, to  
25 include surveys and associated fees in accord-

1           ance with the memorandum referred to in sub-  
2           section (a)(1).

3           (D) Any other conditions that the Sec-  
4           retary may impose.

5           (c) REPEAL.—Section 325 of the Water Resources  
6           Development Act of 1992 (106 Stat. 4849) is repealed.

7           **SEC. 3046. LATHAM RIVER, GLYNN COUNTY, GEORGIA.**

8           The maximum amount of Federal funds that may be  
9           expended for the project for improvement of the quality  
10          of the environment, Latham River, Glynn County, Geor-  
11          gia, being carried out under section 1135 of the Water  
12          Resources Development Act of 1986 (33 U.S.C. 2309a)  
13          shall be \$6,175,000.

14          **SEC. 3047. DWORSHAK DAM AND RESERVOIR IMPROVE-**  
15          **MENTS, IDAHO.**

16          The Secretary may carry out improvements to rec-  
17          reational facilities at the Dworshak Dam and Reservoir,  
18          North Fork, Clearwater River, Idaho, authorized by sec-  
19          tion 203 of the Flood Control Act of 1962 (76 Stat. 1193),  
20          to accommodate lower pool levels.

21          **SEC. 3048. BEARDSTOWN COMMUNITY BOAT HARBOR,**  
22          **BEARDSTOWN, ILLINOIS.**

23          (a) IN GENERAL.—The project for navigation,  
24          Muscooten Bay, Illinois River, Beardstown Community  
25          Boat Harbor, Beardstown, Illinois, constructed under sec-

tion 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to include the channel between the harbor and the Illinois River; and

(2) to direct the Secretary to enter into a partnership agreement with the city of Beardstown to replace the local cooperation agreement dated August 18, 1983, with the Beardstown Community Park District.

(b) **TERMS OF PARTNERSHIP AGREEMENT.**—The partnership agreement referred to in subsection (a) shall include the same rights and responsibilities as the local cooperation agreement dated August 18, 1983, changing only the identity of the non-Federal sponsor.

(c) **MAINTENANCE.**—Following execution of the partnership agreement referred to in subsection (a), the Secretary may carry out maintenance of the project referred to in subsection (a) on an annual basis.

**SEC. 3049. CACHE RIVER LEVEE, ILLINOIS.**

The Cache River Levee portion of the project for flood control, Cache River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215), is modified to add environmental restoration as a project purpose.

1 **SEC. 3050. CHICAGO RIVER, ILLINOIS.**

2       The navigation channel for the North Branch Canal  
3 portion of the Chicago River, authorized by the first sec-  
4 tion of the Rivers and Harbors Appropriations Act of  
5 March 3, 1899 (30 Stat. 1129), extending from 100 feet  
6 downstream of the Halsted Street Bridge to 100 feet up-  
7 stream of the Division Street Bridge is modified to be no  
8 wider than 66 feet.

9 **SEC. 3051. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.**

10       (a) EXISTING BARRIER.—The Secretary shall up-  
11 grade and make permanent, at Federal expense, the exist-  
12 ing Chicago Sanitary and Ship Canal Dispersal Barrier  
13 Chicago, Illinois, constructed as a demonstration project  
14 under section 1202(i)(3) of the Nonindigenous Aquatic  
15 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
16 4722(i)(3)).

17       (b) OPERATION AND MAINTENANCE.—The barrier  
18 referred to in subsection (a) and the barrier in the Chicago  
19 Sanitary and Ship Canal being constructed under section  
20 1135 of the Water Resources Development Act of 1986  
21 (33 U.S.C. 2309a) shall be operated and maintained, at  
22 Federal expense, as a system in a manner to optimize ef-  
23 fectiveness. Operation and maintenance includes inves-  
24 tigating and eliminating potential pathways that may  
25 allow aquatic species in the Des Plaines River and Illinois

1 and Michigan Canal to bypass the barriers in the Chicago  
2 Sanitary and Ship Canal.

3 (c) FEASIBILITY STUDY.—The Secretary, in con-  
4 sultation with appropriate Federal, State, local, and non-  
5 governmental entities, shall conduct a feasibility study, at  
6 Federal expense, of the range of options and technologies  
7 available to prevent the spread of aquatic species between  
8 the Great Lakes and Mississippi River Basins through the  
9 Chicago Sanitary and Ship Canal and other pathways.

10 **SEC. 3052. EMIQUON, ILLINOIS.**

11 (a) MAXIMUM AMOUNT.—The maximum amount of  
12 Federal funds that may be expended for the project for  
13 aquatic ecosystem restoration, Emiquon, Illinois, being  
14 carried out under section 206 of the Water Resources De-  
15 velopment Act of 1996 (33 U.S.C. 2330), shall be  
16 \$7,500,000.

17 (b) LIMITATION.—Nothing in this section shall affect  
18 the eligibility of the project for emergency repair assist-  
19 ance under section 5(a) of the Act entitled “An Act au-  
20 thorizing the construction of certain public works on rivers  
21 and harbors for flood control, and for other purposes”,  
22 approved August 18, 1941 (33 U.S.C. 701n).

23 **SEC. 3053. LASALLE, ILLINOIS.**

24 In carrying out section 312 of the Water Resources  
25 Development Act of 1990 (104 Stat. 4639–4640), the Sec-



1 retary shall give priority to work in the vicinity of LaSalle,  
2 Illinois, on the Illinois and Michigan Canal.

3 **SEC. 3054. SPUNKY BOTTOMS, ILLINOIS.**

4 (a) PROJECT PURPOSE.—The project for flood con-  
5 trol, Spunky Bottoms, Illinois, authorized by section 5 of  
6 the Flood Control Act of June 26, 1936 (35 Stat. 1584),  
7 is modified to add environmental restoration as a project  
8 purpose.

9 (b) MAXIMUM AMOUNT.—The maximum amount of  
10 Federal funds that may be expended for the project for  
11 improvement of the quality of the environment, Spunky  
12 Bottoms, Illinois, being carried out under section 1135 of  
13 the Water Resources Development Act of 1986 (33 U.S.C.  
14 2309a), shall be \$7,500,000.

15 (c) LIMITATION.—Nothing in this section shall affect  
16 the eligibility of the project for emergency repair assist-  
17 ance under section 5(a) of the Act entitled “An Act au-  
18 thorizing the construction of certain public works on rivers  
19 and harbors for flood control, and for other purposes”,  
20 approved August 18, 1941 (33 U.S.C. 701n).

21 **SEC. 3055. FORT WAYNE AND VICINITY, INDIANA.**

22 The project for flood control Fort Wayne, St. Mary’s  
23 and Maumee Rivers, Indiana, authorized by section  
24 101(a)(11) of the Water Resources Development Act of  
25 1990 (104 Stat. 4604), is modified—

1           (1) to direct the Secretary to provide a 100-  
2       year level of flood protection at the Berry-Thieme,  
3       Park-Thompson, Woodhurst, and Tillman sites  
4       along the St. Mary's River, Fort Wayne and vicinity,  
5       Indiana, at a total cost of \$5,300,000; and

6           (2) to allow the non-Federal interest to partici-  
7       pate in the financing of the project in accordance  
8       with section 903(c) of the Water Resources Develop-  
9       ment Act of 1986 (100 Stat. 4184) to the extent  
10      that the Secretary's evaluation indicates that apply-  
11      ing such section is necessary to implement the  
12      project.

13 **SEC. 3056. KOONTZ LAKE, INDIANA.**

14       The project for aquatic ecosystem restoration, Koontz  
15      Lake, Indiana, being carried out under section 206 of the  
16      Water Resources Development Act of 1996 (33 U.S.C.  
17      2330) and modified by section 520 of the Water Resources  
18      Development Act of 2000 (114 Stat. 2655), is further  
19      modified to direct the Secretary to seek to reduce the cost  
20      of the project by using innovative technologies and cost  
21      reduction measures determined from a review of non-Fed-  
22      eral lake dredging projects in the vicinity of Koontz Lake.

23 **SEC. 3057. LITTLE CALUMET RIVER, INDIANA.**

24       The project for flood control, Little Calumet River,  
25      Indiana, authorized by section 401(a) of the Water Re-

1 sources Development Act of 1986 (100 Stat. 4115), is  
2 modified to authorize the Secretary to carry out the  
3 project in accordance with the postauthorization change  
4 report dated August 2000, at a total cost of  
5 \$198,000,000, with an estimated Federal cost of  
6 \$148,500,000 and an estimated non-Federal cost of  
7 \$49,500,000.

8 **SEC. 3058. WHITE RIVER, INDIANA.**

9       The project for flood control, Indianapolis on West  
10 Fork of White River, Indiana, authorized by section 5 of  
11 the Act entitled “An Act authorizing the construction of  
12 certain public works on rivers and harbors for flood con-  
13 trol, and for other purposes”, approved June 22, 1936 (49  
14 Stat. 1586), and modified by section 323 of the Water  
15 Resources Development Act of 1996 (110 Stat. 3716) and  
16 section 322 of the Water Resources Development Act of  
17 1999 (113 Stat. 303–304), is further modified—

18           (1) to authorize the Secretary to undertake the  
19 riverfront alterations described in the Central Indi-  
20 anapolis Waterfront Concept Plan, dated February  
21 1994, for the Fall Creek Reach feature at a total  
22 cost of \$28,545,000; and

23           (2) to direct the Secretary to credit toward the  
24 non-Federal share of the cost of the project the cost  
25 of planning, design, and construction work carried

1 out by the non-Federal interest before the date of  
2 the partnership agreement for the project if the Sec-  
3 retary determines that the work is integral to the  
4 project.

5 **SEC. 3059. DES MOINES RIVER AND GREENBELT, IOWA.**

6 The project for the Des Moines Recreational River  
7 and Greenbelt, Iowa, authorized by Public Law 99–88 and  
8 modified by section 604 of the Water Resources Develop-  
9 ment Act of 1986 (100 Stat. 4153), is modified to include  
10 enhanced public access and recreational enhancements, at  
11 a Federal cost of \$3,000,000.

12 **SEC. 3060. PRESTONSBURG, KENTUCKY.**

13 The Prestonsburg, Kentucky, element of the project  
14 for flood control, Levisa and Tug Fork of the Big Sandy  
15 and Cumberland Rivers, West Virginia, Virginia, and Ken-  
16 tucky, authorized by section 202(a) of the Energy and  
17 Water Development Appropriations Act, 1981 (94 Stat.  
18 1339), is modified to direct the Secretary to take measures  
19 to provide a 100-year level of flood protection for the city  
20 of Prestonsburg.

21 **SEC. 3061. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**  
22 **EAST BATON ROUGE PARISH WATERSHED.**

23 The project for flood damage reduction and recre-  
24 ation, Amite River and Tributaries, Louisiana, East  
25 Baton Rouge Parish Watershed, authorized by section

1 101(a)(21) of the Water Resources Development Act of  
2 1999 (113 Stat. 277) and modified by section 116 of divi-  
3 sion D of Public Law 108–7 (117 Stat. 140), is further  
4 modified—

5 (1) to direct the Secretary to carry out the  
6 project with the cost sharing for the project deter-  
7 mined in accordance with section 103(a) of the  
8 Water Resources Development Act of 1986 (33  
9 U.S.C. 2213(a)), as in effect on October 11, 1996;

10 (2) to authorize the Secretary to construct the  
11 project at a total cost of \$178,000,000; and

12 (3) to direct the Secretary to credit toward the  
13 non-Federal share of the cost of the project the cost  
14 of work carried out by the non-Federal interest be-  
15 fore the date of the partnership agreement for the  
16 project if the Secretary determines that the work is  
17 integral to the project.

18 **SEC. 3062. ATCHAFALAYA BASIN, LOUISIANA.**

19 (a) IN GENERAL.—Section 315(a)(1) of the Water  
20 Resources Development Act of 2000 (114 Stat. 2603–  
21 2604) is amended to read as follows:

22 “(1) is authorized to study, design, construct,  
23 operate, and maintain, at Federal expense, a Type  
24 A Regional Visitor Center in the vicinity of Morgan  
25 City, Louisiana, in consultation with the State of

1 Louisiana, to provide information to the public on  
2 the Atchafalaya River system and other associated  
3 waterways that have influenced surrounding commu-  
4 nities, and national and local water resources devel-  
5 opment of the Army Corps of Engineers in South  
6 Central Louisiana; and”.

7 (b) TECHNICAL CORRECTION.—Section 315(b) of  
8 such Act is amended by striking “(a)” and inserting  
9 “(a)(2)”.

10 (c) DONATIONS.—Section 315 of such Act is amend-  
11 ed by adding at the end the following:

12 “(c) DONATIONS.—In carrying out subsection (a)(1),  
13 the Mississippi River Commission is authorized to accept  
14 the donation of cash, funds, lands, materials, and services  
15 from non-Federal governmental entities and nonprofit cor-  
16 porations.”.

17 **SEC. 3063. BAYOU PLAQUEMINE, LOUISIANA.**

18 The project for the improvement of the quality of the  
19 environment, Bayou Plaquemine, Louisiana, being carried  
20 out under section 1135 of the Water Resources Develop-  
21 ment Act of 1986 (33 U.S.C. 2309(a)), is modified to di-  
22 rect the Secretary to credit toward the non-Federal share  
23 of the cost of the project the cost of work carried out by  
24 the non-Federal interest before the date of the partnership

1 agreement for the project if the Secretary determines that  
2 the work is integral to the project.

3 **SEC. 3064. ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOU-**  
4 **ISIANA.**

5 The public access feature of the Atchafalaya Basin  
6 Floodway System project, Louisiana, authorized by sec-  
7 tion 601(a) of the Water Resources Development Act  
8 1986 (100 Stat. 4142), is modified to authorize the Sec-  
9 retary to acquire from willing sellers the fee interest, ex-  
10 clusive of oil, gas, and minerals, of an additional 20,000  
11 acres of land within the Lower Atchafalaya Basin  
12 Floodway for the public access feature of the Atchafalaya  
13 Basin Floodway System, to enhance fish and wildlife re-  
14 sources, at a total cost of \$4,000,000.

15 **SEC. 3065. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**  
16 **RIVER TO SHREVEPORT, LOUISIANA.**

17 The project for mitigation of fish and wildlife losses,  
18 J. Bennett Johnston Waterway, Mississippi River to  
19 Shreveport, Louisiana, authorized by section 601(a) of the  
20 Water Resources Development Act of 1986 (100 Stat.  
21 4142) and modified by section 4(h) of the Water Re-  
22 sources Development Act of 1988 (102 Stat. 4016), sec-  
23 tion 102(p) of the Water Resources Development Act of  
24 1990 (104 Stat. 4613), section 301(b)(7) of the Water  
25 Resources Development Act of 1996 (110 Stat. 3710), and

1 section 316 of the Water Resources Development Act of  
2 2000 (114 Stat. 2572), is further modified—

3 (1) to authorize the purchase and reforestation of  
4 lands that have been cleared or converted to agricul-  
5 tural uses; and

6 (2) to incorporate current wildlife and forestry  
7 management practices for the purpose of improving  
8 species diversity on mitigation lands that meet Fed-  
9 eral and State of Louisiana habitat goals and objec-  
10 tives.

11 **SEC. 3066. MISSISSIPPI DELTA REGION, LOUISIANA.**

12 The Mississippi Delta Region project, Louisiana, au-  
13 thorized as part of the project for hurricane-flood protec-  
14 tion on Lake Pontchartrain, Louisiana, by section 204 of  
15 the Flood Control Act of 1965 (79 Stat. 1077) and modi-  
16 fied by section 365 of the Water Resources Development  
17 Act of 1996 (110 Stat. 3739), is further modified to direct  
18 the Secretary to credit toward the non-Federal share of  
19 the cost of the project the costs of relocating oyster beds  
20 in the Davis Pond project area if the Secretary determines  
21 that the work is integral to the Mississippi Delta Region  
22 project.

23 **SEC. 3067. NEW ORLEANS TO VENICE, LOUISIANA.**

24 The New Orleans to Venice, Louisiana, project for  
25 hurricane protection, authorized by section 203 of the



1 Flood Control Act of 1962 (76 Stat. 1184), is modified  
2 to authorize the Secretary to carry out the work on the  
3 St. Jude to City Price, Upper Reach A back levee. The  
4 Federal share of the cost of such work shall be 70 percent.

5 **SEC. 3068. WEST BANK OF THE MISSISSIPPI RIVER (EAST**  
6 **OF HARVEY CANAL), LOUISIANA.**

7 Section 328 of the Water Resources Development Act  
8 of 1999 (113 Stat. 304–305) is amended—

9 (1) in subsection (a)—

10 (A) by striking “operation and mainte-  
11 nance” and inserting “operation, maintenance,  
12 rehabilitation, repair, and replacement”; and

13 (B) by striking “Algiers Channel” and in-  
14 serting “Algiers Canal Levees”; and

15 (2) by adding at the end the following:

16 “(c) COST SHARING.—The non-Federal share of the  
17 cost of the project shall be 35 percent.”.

18 **SEC. 3069. CAMP ELLIS, SACO, MAINE.**

19 The maximum amount of Federal funds that may be  
20 expended for the project being carried out under section  
21 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)  
22 for the mitigation of shore damages attributable to the  
23 project for navigation, Camp Ellis, Saco, Maine, shall be  
24 \$25,000,000.

1   **SEC. 3070. UNION RIVER, MAINE.**

2           The project for navigation, Union River, Maine, au-  
3   thorized by the first section of the Act entitled “An Act  
4   making appropriations for the construction, repair, and  
5   preservation of certain public works on rivers and harbors,  
6   and for other purposes”, approved June 3, 1896 (29 Stat.  
7   215), is modified by redesignating as an anchorage area  
8   that portion of the project consisting of a 6-foot turning  
9   basin and lying northerly of a line commencing at a point  
10   N315,975.13, E1,004,424.86, thence running north 61  
11   degrees 27 minutes 20.71 seconds west about 132.34 feet  
12   to a point N316,038.37, E1,004,308.61.

13   **SEC. 3071. GWYNNS FALLS WATERSHED, BALTIMORE,**  
14                           **MARYLAND.**

15           (a) IN GENERAL.—The Secretary shall carry out the  
16   project for ecosystem restoration, Gwynns Falls, Mary-  
17   land, in accordance with the Baltimore Metropolitan  
18   Water Resources Gwynns Falls Watershed Study-Draft  
19   Feasibility Report and Integrated Environmental Assess-  
20   ment prepared by the Corps of Engineers and the city of  
21   Baltimore, Maryland, dated April 2004.

22           (b) SPECIAL RULE FOR GWYNNS FALLS, MARY-  
23   LAND.—The report on the project for environmental res-  
24   toration at Gwynns Falls, Maryland, shall be treated as  
25   being consistent and in compliance with the consent decree  
26   entered into between the United States and the Mayor and

1 City Council of Baltimore, Maryland, filed with the United  
2 States District Court for the District of Maryland on April  
3 26, 2002.

4 (c) REPEAL.—Section 123 of Public Law 108–137  
5 (117 Stat. 1837) is repealed.

6 **SEC. 3072. BOSTON HARBOR, MASSACHUSETTS.**

7 The project for navigation, Boston Harbor, Massa-  
8 chusetts, authorized by section 101(a)(13) of the Water  
9 Resources Development Act of 1990 (104 Stat. 4607), is  
10 modified to provide that no funds may be expended for  
11 the dredging of Chelsea Creek until the city of Boston and  
12 the United States Coast Guard complete the replacement  
13 of the Chelsea Street Bridge, as identified in the limited  
14 reevaluation report for the project dated June 1996.

15 **SEC. 3073. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**

16  
17 (a) IN GENERAL.—The project for emergency  
18 streambank and shoreline protection, Detroit River Shore-  
19 line, Detroit, Michigan, being carried out under section 14  
20 of the Flood Control Act of 1946 (33 U.S.C. 701r), is  
21 modified to include measures to enhance public access.

22 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-  
23 imum amount of Federal funds that may be expended for  
24 the project shall be \$3,000,000.

1 **SEC. 3074. ST. JOSEPH HARBOR, MICHIGAN.**

2       The Secretary shall expedite development of the  
3 dredged material management plan for the project for  
4 navigation St. Joseph Harbor, Michigan, authorized by  
5 section 101 of the River and Harbor Act of 1958 (72 Stat.  
6 299).

7 **SEC. 3075. SAULT SAINTE MARIE, MICHIGAN.**

8       (a) IN GENERAL.—The text of section 1149 of the  
9 Water Resources Development Act of 1986 (100 Stat.  
10 4254) is amended to read as follows:

11       “The Secretary shall construct at Federal expense a  
12 second lock, of the same dimensions as the existing Poe  
13 Lock, adjacent to the existing lock at Sault Sainte Marie,  
14 Michigan, generally in accordance with the report of the  
15 Board of Engineers for Rivers and Harbors, dated May  
16 19, 1986, and the limited reevaluation report dated Feb-  
17 ruary 2004 at a total cost of \$341,714,000.”.

18       (b) CONFORMING REPEALS.—The following  
19 provisions are repealed:

20               (1) Section 107(a)(8) of the Water Resources  
21 Development Act of 1990 (104 Stat. 4620).

22               (2) Section 330 of the Water Resources Devel-  
23 opment Act of 1996 (110 Stat. 3717–3718).

24               (3) Section 330 of the Water Resources Devel-  
25 opment Act of 1999 (113 Stat. 305).

1 **SEC. 3076. ADA, MINNESOTA.**

2 (a) IN GENERAL.—The project for flood damage re-  
3 duction, Wild Rice River, Ada, Minnesota, being carried  
4 out under section 205 of the Flood Control Act of 1948  
5 (33 U.S.C. 701s), is modified to authorize the Secretary  
6 to consider national ecosystem restoration benefits in de-  
7 termining the Federal interest in the project.

8 (b) EVALUATION OF BENEFITS AND COSTS.—In  
9 evaluating the economic benefits and costs for the project,  
10 the Secretary shall not consider the emergency levee adja-  
11 cent to Judicial Ditch No. 51 in the determination of con-  
12 ditions existing prior to construction of the project.

13 (c) SPECIAL RULE.—In evaluating and implementing  
14 the project, the Secretary shall allow the non-Federal in-  
15 terest to participate in the financing of the project in ac-  
16 cordance with section 903(c) of the Water Resources De-  
17 velopment Act of 1986 (100 Stat. 4184) to the extent that  
18 the Secretary's evaluation indicates that applying such  
19 section is necessary to implement the project.

20 **SEC. 3077. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

21 (a) IN GENERAL.—The project for navigation, Du-  
22 luth Harbor, McQuade Road, Minnesota, being carried out  
23 under section 107 of the River and Harbor Act of 1960  
24 (33 U.S.C. 577) and modified by section 321 of the Water  
25 Resources Development Act of 2000 (114 Stat. 2605), is  
26 further modified to authorize the Secretary to provide

1 public access and recreational facilities as generally de-  
2 scribed in the Detailed Project Report and Environmental  
3 Assessment, McQuade Road Harbor of Refuge, Duluth,  
4 Minnesota, dated August 1999.

5 (b) CREDIT.—The Secretary shall provide credit to-  
6 ward the non-Federal share of the cost of the project for  
7 the costs of design work carried out before the date of  
8 the partnership agreement for the project if the Secretary  
9 determines that the work is integral to the project.

10 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-  
11 imum amount of Federal funds that may be expended for  
12 the project shall be \$5,000,000.

13 **SEC. 3078. GRAND PORTAGE HARBOR, MINNESOTA.**

14 The Secretary shall provide credit toward the non-  
15 Federal share of the cost of the navigation project for  
16 Grand Portage Harbor, Minnesota, carried out under sec-  
17 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.  
18 577) and modified by section 312 of the Water Resources  
19 Development Act of 2000 (114 Stat. 2605), for the costs  
20 of design work carried out before the date of the partner-  
21 ship agreement for the project if the Secretary determines  
22 that the work is integral to the project.

23 **SEC. 3079. GRANITE FALLS, MINNESOTA.**

24 (a) IN GENERAL.—The Secretary is directed to im-  
25 plement under section 205 of the Flood Control Act of

1 1948 (33 U.S.C. 701s) the locally preferred plan for flood  
2 damage reduction, Granite Falls, Minnesota, substantially  
3 in accordance with the detailed project report dated 2002,  
4 at a total cost of \$12,000,000, with an estimated Federal  
5 cost of \$8,000,000 and an estimated non-Federal cost of  
6 \$4,000,000.

7 (b) PROJECT FINANCING.—In evaluating and imple-  
8 menting the project under this section, the Secretary shall  
9 allow the non-Federal interests to participate in the fi-  
10 nancing of the project in accordance with section 903(c)  
11 of the Water Resources Development Act of 1986 (100  
12 Stat. 4184), to the extent that the detailed project report  
13 evaluation indicates that applying such section is nec-  
14 essary to implement the project.

15 (c) CREDIT.—The Secretary shall credit toward the  
16 non-Federal share of the project the cost of design and  
17 construction work carried out by the non-Federal interest  
18 before date of execution of a partnership agreement for  
19 the project if the Secretary determines that the work is  
20 integral to the project.

21 (d) MAXIMUM FUNDING.—The maximum amount of  
22 Federal funds that may be expended for the flood damage  
23 reduction shall be \$8,000,000.

1 **SEC. 3080. KNIFE RIVER HARBOR, MINNESOTA.**

2       The project for navigation, Harbor at Knife River,  
3 Minnesota, authorized by section 2 of the Rivers and Har-  
4 bors Act of March 2, 1945 (59 Stat. 19), is modified to  
5 direct the Secretary to develop a final design and prepare  
6 plans and specifications to correct the harbor entrance and  
7 mooring conditions at the project.

8 **SEC. 3081. RED LAKE RIVER, MINNESOTA.**

9       The project for flood control, Red Lake River,  
10 Crookston, Minnesota, authorized by section 101(a)(23) of  
11 the Water Resources Development Act of 1999 (113 Stat.  
12 278), is modified to include flood protection for the adja-  
13 cent and interconnected areas generally known as the  
14 Sampson and Chase/Loring neighborhoods, in accordance  
15 with the Feasibility Report Supplement, Local Flood Pro-  
16 tection, Crookston, Minnesota, at a total cost of  
17 \$17,000,000, with an estimated Federal cost of  
18 \$11,000,000 and an estimated non-Federal cost of  
19 \$6,000,000.

20 **SEC. 3082. SILVER BAY, MINNESOTA.**

21       The project for navigation, Silver Bay, Minnesota,  
22 authorized by section 2 of the Rivers and Harbors Act  
23 of March 2, 1945 (59 Stat. 19), is modified to include  
24 operation and maintenance of the general navigation fa-  
25 cilities as a Federal responsibility.



1 **SEC. 3083. TACONITE HARBOR, MINNESOTA.**

2       The project for navigation, Taconite Harbor, Min-  
3 nesota, carried out under section 107 of the River and  
4 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-  
5 clude operation and maintenance of the general navigation  
6 facilities as a Federal responsibility.

7 **SEC. 3084. TWO HARBORS, MINNESOTA.**

8       (a) IN GENERAL.—The project for navigation, Two  
9 Harbors, Minnesota, being carried out under section 107  
10 of the River and Harbor Act of 1960 (33 U.S.C. 577),  
11 is modified to include construction of a dredged material  
12 disposal facility, including actions required to clear the  
13 site.

14       (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—  
15 Non-Federal interests shall be responsible for providing all  
16 lands, easements, rights-of-way, and relocations necessary  
17 for the construction of the dredged material disposal facil-  
18 ity.

19       (c) MAXIMUM FEDERAL EXPENDITURE.—The max-  
20 imum amount of Federal funds that may be expended for  
21 the project shall be \$5,000,000.

22 **SEC. 3085. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

23       The project for ecosystem restoration, Deer Island,  
24 Harrison County, Mississippi, being carried out under sec-  
25 tion 204 of the Water Resources Development Act of 1992  
26 (33 U.S.C. 2326), is modified to authorize the non-Fed-

1 eral interest to provide any portion of the non-Federal  
2 share of the cost of the project in the form of in-kind serv-  
3 ices and materials.

4 **SEC. 3086. PEARL RIVER BASIN, MISSISSIPPI.**

5 (a) IN GENERAL.—The Secretary shall complete a  
6 feasibility study for the project for flood damage reduc-  
7 tion, Pearl River Watershed, Mississippi.

8 (b) COMPARISON OF ALTERNATIVES.—The feasibility  
9 study shall identify both the plan that maximizes national  
10 economic development benefits and the locally preferred  
11 plan and shall compare the level of flood damage reduction  
12 provided by each plan to that portion of Jackson, Mis-  
13 sissippi, located below the Ross Barnett Reservoir Dam.

14 (c) RECOMMENDED PLAN.—If the Secretary deter-  
15 mines that the locally preferred plan provides a level of  
16 flood damage reduction that is equal to or greater than  
17 the level of flood damage reduction provided by the na-  
18 tional economic development plan, and the locally pre-  
19 ferred plan is technically feasible and environmentally pro-  
20 tective, the Secretary shall recommend construction of the  
21 locally preferred plan.

22 (d) EVALUATION OF PROJECT COST.—For the pur-  
23 poses of determining compliance with the first section of  
24 the Flood Control Act of June 22, 1936 (33 U.S.C. 701a),  
25 the Secretary shall consider only the costs of the national

1 economic development plan, and shall exclude incremental  
2 costs associated with the locally preferred plan that are  
3 in excess of such costs, if the non-Federal interest agrees  
4 to pay 100 percent of such incremental costs.

5 (e) NON-FEDERAL COST SHARE.—If the locally pre-  
6 ferred plan is authorized for construction, the non-Federal  
7 share of the cost of the project shall be the same percent-  
8 age as the non-Federal share of the cost of the national  
9 economic development plan plus all additional costs of con-  
10 struction associated with the locally preferred plan.

11 **SEC. 3087. FESTUS AND CRYSTAL CITY, MISSOURI.**

12 Section 102(b)(1) of the Water Resources Develop-  
13 ment Act of 1999 (113 Stat. 282) is amended by striking  
14 “\$10,000,000” and inserting “\$12,000,000”.

15 **SEC. 3088. MONARCH-CHESTERFIELD, MISSOURI.**

16 The project for flood damage reduction, Monarch-  
17 Chesterfield, Missouri, authorized by section 101(b)(18)  
18 of the Water Resources Development Act of 2000 (114  
19 Stat. 2578), is modified to direct the Secretary to credit  
20 toward the non-Federal share of the cost of the project  
21 the cost of the planning, design, and construction work  
22 carried out by the non-Federal interest before the date of  
23 the partnership agreement for the project if the Secretary  
24 determines that the work is integral to the project.

1 **SEC. 3089. RIVER DES PERES, MISSOURI.**

2       The projects for flood control, River Des Peres, Mis-  
3 souri, authorized by section 101(a)(17) of the Water Re-  
4 sources Development Act of 1990 (104 Stat. 4607) and  
5 section 102(13) of the Water Resources Development Act  
6 of 1996 (110 Stat. 3668), are each modified to direct the  
7 Secretary to credit toward the non-Federal share of the  
8 cost of the project the cost of work carried out by the  
9 non-Federal interest before the date of the partnership  
10 agreement for the project if the Secretary determines that  
11 the work is integral to the project.

12 **SEC. 3090. ANTELOPE CREEK, LINCOLN, NEBRASKA.**

13       The project for flood damage reduction, Antelope  
14 Creek, Lincoln, Nebraska, authorized by section  
15 101(b)(19) of the Water Resources Development Act of  
16 2000 (114 Stat. 2578), is modified—

17           (1) to direct the Secretary to credit toward the  
18 non-Federal share of the cost of the project the cost  
19 of design, and construction work carried out by the  
20 non-Federal interest before the date of the partner-  
21 ship agreement for the project if the Secretary de-  
22 termines that the work is integral to the project; and

23           (2) to allow the non-Federal sponsor for the  
24 project to use, and to direct the Secretary to accept,  
25 funds provided under any other Federal program, to  
26 satisfy, in whole or in part, the non-Federal share

1 of the project if such funds are authorized to be  
2 used to carry out the project.

3 **SEC. 3091. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

4 The project for ecosystem restoration and flood dam-  
5 age reduction, Sand Creek watershed, Wahoo, Nebraska,  
6 authorized by section 101(b)(20) of the Water Resources  
7 Development Act of 2000 (114 Stat. 2578), is modified—

8 (1) to direct the Secretary to provide credit to-  
9 ward the non-Federal share of the cost of the project  
10 or reimbursement for the costs of any work that has  
11 been or will be performed by the non-Federal inter-  
12 est before, on, or after the approval of the project  
13 partnership agreement, including work performed by  
14 the non-Federal interest in connection with the de-  
15 sign and construction of 7 upstream detention stor-  
16 age structures, if the Secretary determines that the  
17 work is integral to the project;

18 (2) to require that in-kind work to be credited  
19 under paragraph (1) be subject to audit; and

20 (3) to direct the Secretary to accept advance  
21 funds from the non-Federal interest as needed to  
22 maintain the project schedule.

1 **SEC. 3092. LOWER CAPE MAY MEADOWS, CAPE MAY POINT,**  
2 **NEW JERSEY.**

3 The project for navigation mitigation, ecosystem res-  
4 toration, shore protection, and hurricane and storm dam-  
5 age reduction, Lower Cape May Meadows, Cape May  
6 Point, New Jersey, authorized by section 101(a)(25) of  
7 the Water Resources Development Act of 1999 (113 Stat.  
8 278), is modified to incorporate the project for shoreline  
9 erosion control, Cape May Point, New Jersey, carried out  
10 under section 5 of the Act entitled “An Act authorizing  
11 Federal participation in the cost of protecting the shores  
12 of publicly owned property”, approved August 13, 1946  
13 (33 U.S.C. 426h), if the Secretary determines that such  
14 incorporation is feasible.

15 **SEC. 3093. PASSAIC RIVER BASIN FLOOD MANAGEMENT,**  
16 **NEW JERSEY.**

17 The project for flood control, Passaic River, New Jer-  
18 sey and New York, authorized by section 101(a)(18) of  
19 the Water Resources Development Act of 1990 (104 Stat.  
20 4607) and modified by section 327 of the Water Resources  
21 Development Act of 2000 (114 Stat. 2607), is further  
22 modified to direct the Secretary to include the benefits and  
23 costs of preserving natural flood storage in any future eco-  
24 nomic analysis of the project.

1 **SEC. 3094. BUFFALO HARBOR, NEW YORK.**

2       The project for navigation, Buffalo Harbor, New  
3 York, authorized by section 101 of the River and Harbor  
4 Act of 1962 (76 Stat. 1176), is modified to include meas-  
5 ures to enhance public access, at Federal cost of  
6 \$500,000.

7 **SEC. 3095. ORCHARD BEACH, BRONX, NEW YORK.**

8       Section 554 of the Water Resources Development Act  
9 of 1996 (110 Stat. 3781) is amended by striking “max-  
10 imum Federal cost of \$5,200,000” and inserting “total  
11 cost of \$20,000,000”.

12 **SEC. 3096. PORT OF NEW YORK AND NEW JERSEY, NEW**  
13 **YORK AND NEW JERSEY.**

14       The navigation project, Port of New York and New  
15 Jersey, New York and New Jersey, authorized by section  
16 101(a)(2) of the Water Resources Development Act of  
17 2000 (114 Stat. 2576), is modified—

18           (1) to authorize the Secretary to allow the non-  
19 Federal interest to construct a temporary dredged  
20 material storage facility to receive dredged material  
21 from the project if—

22                   (A) the non-Federal interest submits, in  
23 writing, a list of potential sites for the tem-  
24 porary storage facility to the Committee on  
25 Transportation and Infrastructure of the House  
26 of Representatives, the Committee on Environ-

1           ment and Public Works of the Senate, and the  
2           Secretary at least 180 days before the selection  
3           of the final site; and

4                 (B) at least 70 percent of the dredged ma-  
5           terial generated in connection with the project  
6           suitable for beneficial reuse will be used at sites  
7           in the State of New Jersey to the extent that  
8           there are sufficient sites available; and

9           (2) to direct the Secretary to credit toward the  
10          non-Federal share of the cost of the project the cost  
11          of construction of the temporary storage facility if  
12          the Secretary determines that the work is integral to  
13          the project.

14   **SEC. 3097. NEW YORK STATE CANAL SYSTEM.**

15          Section 553(c) of the Water Resources Development  
16   Act of 1996 (110 Stat. 3781) is amended to read as fol-  
17   lows:

18          “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—  
19   In this section, the term ‘New York State Canal System’  
20   means the 524 miles of navigable canal that comprise the  
21   New York State Canal System, including the Erie, Ca-  
22   yuga-Seneca, Oswego, and Champlain Canals and the his-  
23   toric alignments of these canals, including the cities of Al-  
24   bany and Buffalo.”.



1   **SEC. 3098. LOWER GIRARD LAKE DAM, OHIO.**

2           Section 507(1) of the Water Resources Development  
3 Act of 1996 (110 Stat. 3758) is amended by striking  
4 “\$2,500,000” and inserting “\$6,000,000”.

5   **SEC. 3099. MAHONING RIVER, OHIO.**

6           In carrying out the project for environmental dredg-  
7 ing, authorized by section 312(f)(4) of the Water Re-  
8 sources Development Act of 1990 (33 U.S.C. 1272(f)(4)),  
9 the Secretary is directed to credit toward the non-Federal  
10 share of the cost of the project the cost of work carried  
11 out by the non-Federal interest before the date of the part-  
12 nership agreement for the project if the Secretary deter-  
13 mines that the work is integral to the project.

14   **SEC. 3100. ARCADIA LAKE, OKLAHOMA.**

15           Payments made by the city of Edmond, Oklahoma,  
16 to the Secretary in October 1999 of costs associated with  
17 present and future water storage at Arcadia Lake, Okla-  
18 homa, under Arcadia Lake Water Storage Contract Num-  
19 ber DACW56–79–C–0072 shall satisfy the obligations of  
20 the city under that contract for such costs, including ac-  
21 crued interest.

22   **SEC. 3101. WAURIKA LAKE, OKLAHOMA.**

23           The remaining obligation of the Waurika Project  
24 Master Conservancy District payable to the United States  
25 Government in the amounts, rates of interest, and pay-  
26 ment schedules is set at the amounts, rates of interest,

1 and payment schedules that existed, and that both parties  
2 agreed to, on June 3, 1986, and may not be adjusted,  
3 altered, or changed without a specific, separate, and writ-  
4 ten agreement between the District and the United States  
5 Government.

6 **SEC. 3102. WILLAMETTE RIVER TEMPERATURE CONTROL,**  
7 **MCKENZIE SUBBASIN, OREGON.**

8 (a) IN GENERAL.—The project for environmental  
9 restoration, Willamette River temperature control,  
10 McKenzie Subbasin, Oregon, authorized by section  
11 101(a)(25) of the Water Resources Development Act of  
12 1996 (110 Stat. 3665) and modified by section 344 of  
13 the Water Resources Development Act of 1999 (113 Stat.  
14 308), is further modified to direct the Secretary to pay,  
15 subject to the availability of appropriations, compensation  
16 for losses to small business attributable to the implemen-  
17 tation of the drawdown conducted as a part of project im-  
18 plementation in 2002.

19 (b) ESTABLISHMENT OF PROGRAM.—Not later than  
20 120 days after the date of enactment of this Act, the Sec-  
21 retary shall establish, and provide public notice of, a pro-  
22 gram—

23 (1) to receive claims for compensation for losses  
24 to small business attributable to the implementation

1 of the drawdown conducted as a part of project im-  
2 plementation in 2002;

3 (2) to evaluate claims for such losses; and

4 (3) to pay claims for such losses.

5 (c) IMPLEMENTATION OF PROGRAM.—In carrying  
6 out the program established under subsection (b), the Sec-  
7 retary shall provide—

8 (1) public notice of the existence of the pro-  
9 gram sufficient to reach those in the area that may  
10 have suffered losses to small businesses;

11 (2) a period for the submission of claims of not  
12 fewer than 45 days and not greater than 75 days  
13 from the date of the first public notice of the exist-  
14 ence of the program;

15 (3) for the evaluation of each claim submitted  
16 to the Secretary under the program and a deter-  
17 mination of whether the claim constitutes a loss to  
18 a small business on or before the last day of the 30-  
19 day period beginning on the date of submission of  
20 the claim; and

21 (4) for the payment of each claim that the Sec-  
22 retary determines constitutes a loss to a small busi-  
23 ness on or before the last day of the 30-day period  
24 beginning on the date of the Secretary's determina-  
25 tion.

1 (d) LOSS TO A SMALL BUSINESS DEFINED.—In this  
 2 section, the term “loss to a small business” means docu-  
 3 mented financial losses associated with commercial activ-  
 4 ity of a small business that can be attributed to the tur-  
 5 bidity levels in the McKenzie River being higher than  
 6 those anticipated in the original planning documents and  
 7 public announcements existing before the initiation of the  
 8 drawdown in 2002. Commercial losses include decline in  
 9 sales, loss of revenue (including loss of revenue from can-  
 10 celed or delayed reservations at lodging establishments),  
 11 and any other financial losses that can be shown to be  
 12 associated with the elevated turbidity levels in the  
 13 McKenzie River in 2002.

14 (e) PAYMENT OF CLAIMS.—The payment of claims  
 15 for losses to small businesses shall be a Federal responsi-  
 16 bility.

17 **SEC. 3103. DELAWARE RIVER, PENNSYLVANIA, NEW JER-**  
 18 **SEY, AND DELAWARE.**

19 The Secretary may remove debris from the project  
 20 for navigation, Delaware River, Pennsylvania, New Jersey,  
 21 and Delaware, Philadelphia to the Sea.

22 **SEC. 3104. RAYSTOWN LAKE, PENNSYLVANIA.**

23 The Secretary may take such action as may be nec-  
 24 essary, including construction of a breakwater, to prevent  
 25 shoreline erosion between .07 and 2.7 miles south of Penn-

1 sylvania State route 994 on the east shore of Raystown  
2 Lake, Pennsylvania.

3 **SEC. 3105. SHERADEN PARK STREAM AND CHARTIERS**  
4 **CREEK, ALLEGHENY COUNTY, PENNSYL-**  
5 **VANIA.**

6 The project for aquatic ecosystem restoration,  
7 Sheraden Park Stream and Chartiers Creek, Allegheny  
8 County, Pennsylvania, being carried out under section 206  
9 of the Water Resources Development Act of 1996 (33  
10 U.S.C. 2330), is modified to direct the Secretary to credit  
11 up to \$400,000 toward the non-Federal share of the cost  
12 of the project for planning and design work carried out  
13 by the non-Federal interest before the date of the partner-  
14 ship agreement for the project if the Secretary determines  
15 that the work is integral to the project.

16 **SEC. 3106. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**  
17 **VANIA.**

18 The project for flood control, Wyoming Valley, Penn-  
19 sylvania, authorized by section 401(a) of the Water Re-  
20 sources Development Act of 1986 (100 Stat. 4124), is  
21 modified to include as a project element the project for  
22 flood control for Solomon's Creek, Wilkes-Barre, Pennsyl-  
23 vania.

1 **SEC. 3107. SOUTH CENTRAL PENNSYLVANIA.**

2 Section 313 of the Water Resources Development Act  
3 of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat. 3723;  
4 113 Stat. 310; 117 Stat. 142) is amended—

5 (1) in subsection (g)(1) by striking  
6 “\$180,000,000” and inserting “\$200,000,000”; and

7 (2) in subsection (h)(2) by striking “Allegheny,  
8 Armstrong, Bedford, Blair, Cambria, Clearfield, Fay-  
9 ette, Franklin, Fulton, Greene, Huntingdon, Indi-  
10 ana, Juniata, Mifflin, Somerset, Snyder, Wash-  
11 ington, and Westmoreland Counties” and inserting  
12 “Allegheny, Armstrong, Bedford, Blair, Cambria,  
13 Fayette, Franklin, Fulton, Greene, Huntingdon, In-  
14 diana, Juniata, Somerset, Washington, and West-  
15 moreland Counties”.

16 **SEC. 3108. WYOMING VALLEY, PENNSYLVANIA.**

17 In carrying out the project for flood control, Wyo-  
18 ming Valley, Pennsylvania, authorized by section 401(a)  
19 of the Water Resources Development Act of 1986 (100  
20 Stat. 4124), the Secretary shall coordinate with non-Fed-  
21 eral interests to review opportunities for increased public  
22 access.

23 **SEC. 3109. CEDAR BAYOU, TEXAS.**

24 (a) IN GENERAL.—The project for navigation, Cedar  
25 Bayou, Texas, reauthorized by section 349(a)(2) of the  
26 Water Resources Development Act of 2000 (114 Stat.

1 2632), is modified to direct the Secretary to credit toward  
2 the non-Federal share of the cost of the project the cost  
3 of planning and design work carried out by the non-Fed-  
4 eral interest for the project if the Secretary determines  
5 that such work is integral to the project.

6 (b) COST SHARING.—Cost sharing for construction  
7 and operation and maintenance of the project shall be de-  
8 termined in accordance with section 101 of the Water Re-  
9 sources Development Act of 1986 (33 U.S.C. 2211).

10 **SEC. 3110. FREEPORT HARBOR, TEXAS.**

11 The project for navigation, Freeport Harbor, Texas,  
12 authorized by section 101 of the Rivers and Harbors Act  
13 of 1970 (84 Stat. 1818), is modified.—

14 (1) to direct the Secretary to credit toward the  
15 non-Federal share of the cost of the project the cost  
16 of the planning, design, and construction work car-  
17 ried out by the non-Federal interest before the date  
18 of the partnership agreement for the project if the  
19 Secretary determines that the work is integral to the  
20 project; and

21 (2) to direct the Secretary to remove the sunk-  
22 en vessel “COMSTOCK” at Federal expense.

23 **SEC. 3111. JOHNSON CREEK, ARLINGTON, TEXAS.**

24 The project for flood damage reduction, environ-  
25 mental restoration, and recreation, authorized by section

1 101(b)(14) of the Water Resources Development Act of  
2 1999 (113 Stat. 280), is modified to authorize the Sec-  
3 retary to carry out the project at a total cost of  
4 \$29,717,000, with an estimated Federal cost of  
5 \$20,670,000 and an estimated non-Federal cost  
6 \$9,047,000.

7 **SEC. 3112. LAKE KEMP, TEXAS.**

8 (a) IN GENERAL.—The Secretary may not take any  
9 legal or administrative action seeking to remove a Lake  
10 Kemp improvement before the earlier of January 1, 2020,  
11 or the date of any transfer of ownership of the improve-  
12 ment occurring after the date of enactment of this Act.

13 (b) LIMITATION ON LIABILITY.—The United States,  
14 or any of its officers, agents, or assignees, shall not be  
15 liable for any injury, loss, or damage accruing to the own-  
16 ers of a Lake Kemp improvement, their lessees, or occu-  
17 pants as a result of any flooding or inundation of such  
18 improvements by the waters of the Lake Kemp reservoir,  
19 or for such injury, loss, or damage as may occur through  
20 the operation and maintenance of the Lake Kemp dam  
21 and reservoir in any manner.

22 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this  
23 section, the term “Lake Kemp improvement” means an  
24 improvement (including dwellings) located within the flow-



1 age easement of Lake Kemp, Texas, below elevation 1159  
2 feet mean sea level.

3 **SEC. 3113. LOWER RIO GRANDE BASIN, TEXAS.**

4 The project for flood control, Lower Rio Grande  
5 Basin, Texas, authorized by section 401(a) of the Water  
6 Resources Development Act of 1986 (100 Stat. 4125), is  
7 modified—

8 (1) to include as part of the project flood pro-  
9 tection works to reroute drainage to Raymondville  
10 Drain constructed by the non-Federal interests in  
11 Hidalgo County in the vicinity of Edinburg, Texas,  
12 if the Secretary determines that such work meets  
13 feasibility requirements;

14 (2) to direct the Secretary to credit toward the  
15 non-Federal share of the cost of the project the cost  
16 of planning, design, and construction work carried  
17 out by the non-Federal interest before the date of  
18 the partnership agreement for the project if the Sec-  
19 retary determines that the work is integral to the  
20 project; and

21 (3) to direct the Secretary, in calculating the  
22 non-Federal share of the cost of the project, to make  
23 a determination within 180 days after the date of  
24 enactment of this Act under section 103(m) of the  
25 Water Resources Development Act of 1986 (33

1 U.S.C. 2213(m)) on the non-Federal interest's abil-  
2 ity to pay.

3 **SEC. 3114. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**  
4 **TEXAS.**

5 The project for ecosystem restoration and storm dam-  
6 age reduction, North Padre Island, Corpus Christi Bay,  
7 Texas, authorized by section 556 of the Water Resources  
8 Development Act of 1999 (113 Stat. 353), is modified to  
9 include recreation as a project purpose.

10 **SEC. 3115. PAT MAYSE LAKE, TEXAS.**

11 The Secretary is directed to accept from the city of  
12 Paris, Texas, \$3,461,432 as payment in full of monies  
13 owed to the United States for water supply storage space  
14 in Pat Mayse Lake, Texas, under contract number DA-  
15 34-066-CIVENG-65-1272, including accrued interest.

16 **SEC. 3116. PROCTOR LAKE, TEXAS.**

17 The Secretary is authorized to purchase fee simple  
18 title to all properties located within the boundaries, and  
19 necessary for the operation, of the Proctor Lake project,  
20 Texas, authorized by section 203 of the Flood Control Act  
21 of 1954 (68 Stat. 1259).

22 **SEC. 3117. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

23 The project for flood control, San Antonio Channel,  
24 Texas, authorized by section 203 of the Flood Control Act  
25 of 1954 (68 Stat. 1259) as part of the comprehensive plan

1 for flood protection on the Guadalupe and San Antonio  
2 Rivers in Texas and modified by section 103 of the Water  
3 Resources Development Act of 1976 (90 Stat. 2921) and  
4 section 335 of the Water Resources Development Act of  
5 2000 (114 Stat. 2611), is further modified to authorize  
6 the Secretary to credit toward the non-Federal share of  
7 the cost of the project the cost of design and construction  
8 work carried out by the non-Federal interest for the  
9 project if the Secretary determines that the work is inte-  
10 gral to the project.

11 **SEC. 3118. JAMES RIVER, VIRGINIA.**

12 The project for navigation, James River, Virginia, au-  
13 thorized by the first section of the River and Harbor Ap-  
14 propriations Act of July 5, 1884 (23 Stat. 138), is further  
15 modified to authorize the Secretary to enlarge the turning  
16 basin adjacent to the Richmond Deepwater Terminal at  
17 a total cost of \$1,511,000 if the Secretary determines that  
18 the such enlargement is necessary for navigation safety.

19 **SEC. 3119. LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, AND**  
20 **WISE COUNTIES, VIRGINIA.**

21 The project for flood control, Levisa and Tug Forks  
22 of the Big Sandy River and Upper Cumberland River, au-  
23 thorized by section 202 of the Energy and Water Develop-  
24 ment Appropriation Act, 1981 (94 Stat. 1339) and modi-  
25 fied by section 352 of the Water Resources Development

1 Act of 1996 (110 Stat. 3724–3725) and section 336 of  
2 the Water Resources Development Act of 2000 (114 Stat.  
3 2611), is further modified to direct the Secretary to deter-  
4 mine the ability of Lee, Russell, Scott, Smyth, Tazewell,  
5 and Wise Counties, Virginia, to pay the non-Federal share  
6 of the cost of the project based solely on the criterion spec-  
7 ified in section 103(m)(3)(A)(i) of the Water Resources  
8 Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

9 **SEC. 3120. TANGIER ISLAND SEAWALL, VIRGINIA.**

10 Section 577(a) of the Water Resources Development  
11 Act of 1996 (110 Stat. 3789) is amended by striking “at  
12 a total cost of \$1,200,000, with an estimated Federal cost  
13 of \$900,000 and an estimated non-Federal cost of  
14 \$300,000.” and inserting “at a total cost of \$3,000,000,  
15 with an estimated Federal cost of \$2,250,000 and an esti-  
16 mated non-Federal cost of \$750,000.”.

17 **SEC. 3121. DUWAMISH/GREEN, WASHINGTON.**

18 The project for ecosystem restoration, Duwamish/  
19 Green, Washington, authorized by section 101(b)(26) of  
20 the Water Resources Development Act of 2000 (114 Stat.  
21 2579), is modified—

22 (1) to direct the Secretary to credit toward the  
23 non-Federal share of the cost of the project the cost  
24 of work carried out by the non-Federal interest be-  
25 fore, on, or after the date of the partnership agree-

1       ment for the project if the Secretary determines that  
 2       the work is integral to the project; and

3           (2) to authorize the non-Federal interest to pro-  
 4       vide any portion of the non-Federal share of the cost  
 5       of the project in the form of in-kind services and  
 6       materials.

7   **SEC. 3122. YAKIMA RIVER, PORT OF SUNNYSIDE, WASH-**  
 8                   **INGTON.**

9       The project for aquatic ecosystem restoration, Yak-  
 10   ima River, Port of Sunnyside, Washington, being carried  
 11   out under section 206 of the Water Resources Develop-  
 12   ment Act of 1996 (33 U.S.C. 2330), is modified to direct  
 13   the Secretary to credit toward the non-Federal share of  
 14   the cost of the project the cost of work carried out by  
 15   the non-Federal interest before the date of the partnership  
 16   agreement for the project if the Secretary determines that  
 17   the work is integral to the project.

18   **SEC. 3123. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

19       Section 579(c) of the Water Resources Development  
 20   Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended  
 21   by striking “\$47,000,000” and inserting “\$99,000,000”.

22   **SEC. 3124. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.**

23       Section 30(d) of the Water Resources Development  
 24   Act of 1988 (102 Stat. 4030; 114 Stat. 2678) is amended  
 25   to read as follows:

1       “(d) HISTORIC STRUCTURE.—The Secretary shall  
 2 ensure the preservation and restoration of the structure  
 3 known as the ‘Jenkins House’, and the reconstruction of  
 4 associated buildings and landscape features of such struc-  
 5 ture located within the Lesage/Greenbottom Swamp in ac-  
 6 cordance with the Secretary of the Interior’s standards for  
 7 the treatment of historic properties. Amounts made avail-  
 8 able for expenditure for the project authorized by section  
 9 301(a) of the Water Resources Development Act of 1986  
 10 (100 Stat. 4110) shall be available for the purposes of this  
 11 subsection.”.

12 **SEC. 3125. NORTHERN WEST VIRGINIA.**

13       Section 557 of the Water Resources Development Act  
 14 of 1999 (113 Stat. 353) is amended in the first sentence  
 15 by striking “favorable”.

16 **SEC. 3126. MANITOWOC HARBOR, WISCONSIN.**

17       The project for navigation, Manitowoc Harbor, Wis-  
 18 consin, authorized by the River and Harbor Act of August  
 19 30, 1852, is modified to direct the Secretary to deepen  
 20 the upstream reach of the navigation channel from 12 feet  
 21 to 18 feet, at a total cost of \$300,000.

22 **SEC. 3127. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

23       Section 21 of the Water Resources Development Act  
 24 of 1988 (102 Stat. 4027) is amended—

25               (1) in subsection (a)—

1 (A) by striking “1276.42” and inserting  
2 “1278.42”;

3 (B) by striking “1218.31” and inserting  
4 “1221.31”; and

5 (C) by striking “1234.82” and inserting  
6 “1235.30”; and

7 (2) by striking subsection (b) and inserting the  
8 following:

9 “(b) EXCEPTION.—The Secretary may operate the  
10 headwaters reservoirs below the minimum or above the  
11 maximum water levels established in subsection (a) in ac-  
12 cordance with water control regulation manuals (or revi-  
13 sions thereto) developed by the Secretary, after consulta-  
14 tion with the Governor of Minnesota and affected tribal  
15 governments, landowners, and commercial and rec-  
16 reational users. The water control regulation manuals  
17 (and any revisions thereto) shall be effective when the Sec-  
18 retary transmits them to Congress. The Secretary shall  
19 report to Congress at least 14 days before operating any  
20 such headwaters reservoir below the minimum or above  
21 the maximum water level limits specified in subsection (a);  
22 except that notification is not required for operations nec-  
23 essary to prevent the loss of life or to ensure the safety  
24 of the dam or where the drawdown of lake levels is in an-  
25 ticipation of flood control operations.”.

1 **SEC. 3128. CONTINUATION OF PROJECT AUTHORIZATIONS.**

2 (a) IN GENERAL.—Notwithstanding section  
3 1001(b)(2) of the Water Resources Development Act of  
4 1986 (33 U.S.C. 579a(b)(2)), the following projects shall  
5 remain authorized to be carried out by the Secretary:

6 (1) The project for flood control, Agana River,  
7 Guam, authorized by section 401(a) of the Water  
8 Resources Development Act of 1986 (100 Stat.  
9 4127).

10 (2) The project for navigation, Fall River Har-  
11 bor, Massachusetts, authorized by section 101 of the  
12 River and Harbor Act of 1968 (82 Stat. 731); ex-  
13 cept that the authorized depth of that portion of the  
14 project extending riverward of the Charles M.  
15 Braga, Jr. Memorial Bridge, Fall River and Som-  
16 erset, Massachusetts, shall not exceed 35 feet.

17 (b) LIMITATION.—A project described in subsection  
18 (a) shall not be authorized for construction after the last  
19 day of the 5-year period beginning on the date of enact-  
20 ment of this Act, unless, during such period, funds have  
21 been obligated for the construction (including planning  
22 and design) of the project.

23 **SEC. 3129. PROJECT REAUTHORIZATIONS.**

24 Each of the following projects may be carried out by  
25 the Secretary and no construction on any such project may



1 be initiated until the Secretary determines that the project  
2 is feasible:

3           (1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation,  
4           Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and  
5           Harbor Act of 1960 (74 Stat. 482) and deauthorized  
6           on April 15, 2002, in accordance with section  
7           1001(b)(2) of the Water Resources Development Act  
8           of 1986 (33 U.S.C. 579a(b)(2)).

11           (2) MANITOWOC HARBOR, WISCONSIN.—That  
12           portion of the project for navigation, Manitowoc  
13           Harbor, Wisconsin, consisting of the channel in the  
14           south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76  
15           Stat. 1176).

17 **SEC. 3130. PROJECT DEAUTHORIZATIONS.**

18           (a) IN GENERAL.—The following projects are not au-  
19           thorized after the date of enactment of this Act:

20           (1) BRIDGEPORT HARBOR, CONNECTICUT.—The  
21           portion of the project for navigation, Bridgeport  
22           Harbor, Connecticut, authorized by the first section  
23           of the River and Harbor Act of July 3, 1930 (46  
24           Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described as follows: Beginning  
25           low Mill River and described as follows: Beginning

1 at a point along the eastern limit of the existing  
2 project, N123,649.75, E481,920.54, thence running  
3 northwesterly about 52.64 feet to a point  
4 N123,683.03, E481,879.75, thence running north-  
5 easterly about 1,442.21 feet to a point N125,030.08,  
6 E482,394.96, thence running northeasterly about  
7 139.52 feet to a point along the eastern limit of the  
8 existing channel, N125,133.87, E482,488.19, thence  
9 running southwesterly about 1,588.98 feet to the  
10 point of origin.

11 (2) MYSTIC RIVER, CONNECTICUT.—The por-  
12 tion of the project for navigation, Mystic River, Con-  
13 necticut, authorized by the first section of the River  
14 and Harbor Appropriations Act of September 19,  
15 1890 (26 Stat. 436) consisting of a 12-foot-deep  
16 channel, approximately 7,554 square feet in area,  
17 starting at a point N193,086.51, E815,092.78,  
18 thence running north 59 degrees 21 minutes 46.63  
19 seconds west about 138.05 feet to a point  
20 N193,156.86, E814,974.00, thence running north  
21 51 degrees 04 minutes 39.00 seconds west about  
22 166.57 feet to a point N193,261.51, E814,844.41,  
23 thence running north 43 degrees 01 minutes 34.90  
24 seconds west about 86.23 feet to a point  
25 N193,324.55, E814,785.57, thence running north

1       06 degrees 42 minutes 03.86 seconds west about  
2       156.57 feet to a point N193,480.05, E814,767.30,  
3       thence running south 21 degrees 21 minutes 17.94  
4       seconds east about 231.42 feet to a point  
5       N193,264.52, E814,851.57, thence running south  
6       53 degrees 34 minutes 23.28 seconds east about  
7       299.78 feet to the point of origin.

8               (3) FALMOUTH HARBOR, MASSACHUSETTS.—

9       The portion of the project for navigation, Falmouth  
10      Harbor, Massachusetts, authorized by section 101 of  
11      the River and Harbor Act of 1948 (62 Stat. 1172),  
12      beginning at a point along the eastern side of the  
13      inner harbor N200,415.05, E845,307.98, thence  
14      running north 25 degrees 48 minutes 54.3 seconds  
15      east 160.24 feet to a point N200,559.20,  
16      E845,377.76, thence running north 22 degrees 7  
17      minutes 52.4 seconds east 596.82 feet to a point  
18      N201,112.15, E845,602.60, thence running north  
19      60 degrees 1 minute 0.3 seconds east 83.18 feet to  
20      a point N201,153.72, E845,674.65, thence running  
21      south 24 degrees 56 minutes 43.4 seconds west  
22      665.01 feet to a point N200,550.75, E845,394.18,  
23      thence running south 32 degrees 25 minutes 29.0  
24      seconds west 160.76 feet to the point of origin.

1           (4) ISLAND END RIVER, MASSACHUSETTS.—The  
2       portion of the project for navigation, Island End  
3       River, Massachusetts, carried out under section 107  
4       of the River and Harbor Act of 1960 (33 U.S.C.  
5       577), described as follows: Beginning at a point  
6       along the eastern limit of the existing project,  
7       N507,348.98, E721,180.01, thence running north-  
8       east about 35 feet to a point N507,384.17,  
9       E721,183.36, thence running northeast about 324  
10      feet to a point N507,590.51, E721,433.17, thence  
11      running northeast about 345 feet to a point along  
12      the northern limit of the existing project,  
13      N507,927.29, E721,510.29, thence running south-  
14      east about 25 feet to a point N507,921.71,  
15      E721,534.66, thence running southwest about 354  
16      feet to a point N507,576.65, E721,455.64, thence  
17      running southwest about 357 feet to the point of ori-  
18      gin.

19           (5) CITY WATERWAY, TACOMA, WASHINGTON.—  
20      The portion of the project for navigation, City Wa-  
21      terway, Tacoma, Washington, authorized by the first  
22      section of the River and Harbor Appropriations Act  
23      of June 13, 1902 (32 Stat. 347), consisting of the  
24      last 1,000 linear feet of the inner portion of the wa-

1       terway beginning at station 70+00 and ending at  
2       station 80+00.

3       (b) ANCHORAGE AREA, NEW LONDON HARBOR,  
4 CONNECTICUT.—The portion of the project for navigation,  
5 New London Harbor, Connecticut, authorized by the River  
6 and Harbor Appropriations Act of June 13, 1902 (32  
7 Stat. 333), that consists of a 23-foot waterfront channel  
8 and that is further described as beginning at a point along  
9 the western limit of the existing project, N188, 802.75,  
10 E779, 462.81, thence running northeasterly about  
11 1,373.88 feet to a point N189, 554.87, E780, 612.53,  
12 thence running southeasterly about 439.54 feet to a point  
13 N189, 319.88, E780, 983.98, thence running southwest-  
14 erly about 831.58 feet to a point N188, 864.63, E780,  
15 288.08, thence running southeasterly about 567.39 feet  
16 to a point N188, 301.88, E780, 360.49, thence running  
17 northwesterly about 1,027.96 feet to the point of origin,  
18 shall be redesignated as an anchorage area.

19       (c) SOUTHPORT HARBOR, FAIRFIELD, CON-  
20 NECTICUT.—The project for navigation, Southport Har-  
21 bor, Fairfield, Connecticut, authorized by section 2 of the  
22 River and Harbor Act of March 2, 1829, and by the first  
23 section of the River and Harbor Act of August 30, 1935  
24 (49 Stat. 1029), and section 364 of the Water Resources  
25 Development Act of 1996 (110 Stat. 3733–3734), is fur-

1 ther modified to redesignate a portion of the 9-foot-deep  
2 channel to an anchorage area, approximately 900 feet in  
3 length and 90,000 square feet in area, and lying generally  
4 north of a line with points at coordinates N108,043.45,  
5 E452,252.04 and N107938.74, E452265.74.

6 (d) MYSTIC RIVER, MASSACHUSETTS.—The portion  
7 of the project for navigation, Mystic River, Massachusetts,  
8 authorized by the first section of the River and Harbor  
9 Appropriations Act of July 13, 1892 (27 Stat. 96), be-  
10 tween a line starting at a point N515,683.77,  
11 E707,035.45 and ending at a point N515,721.28,  
12 E707,069.85 and a line starting at a point N514,595.15,  
13 E707,746.15 and ending at a point N514,732.94,  
14 E707,658.38 shall be relocated and reduced from 100 foot  
15 to a 50-foot wide channel after the date of enactment of  
16 this Act described as follows: Beginning at a point  
17 N515,721.28, E707,069.85, thence running southeasterly  
18 about 840.50 feet to a point N515,070.16, E707,601.27,  
19 thence running southeasterly about 177.54 feet to a point  
20 N514,904.84, E707,665.98, thence running southeasterly  
21 about 319.90 feet to a point with coordinates  
22 N514,595.15, E707,746.15, thence running northwesterly  
23 about 163.37 feet to a point N514,732.94, E707,658.38,  
24 thence running northwesterly about 161.58 feet to a point  
25 N514.889.47, E707,618.30, thence running northwesterly

1 about 166.61 feet to a point N515.044.62, E707,557.58,  
2 thence running northwesterly about 825.31 feet to a point  
3 N515,683.77, E707,035.45, thence running northeasterly  
4 about 50.90 feet returning to a point N515,721.28,  
5 E707,069.85.

6 (e) GREEN BAY HARBOR, GREEN BAY, WIS-  
7 CONSIN.—The portion of the inner harbor of the Federal  
8 navigation channel, Green Bay Harbor, Green Bay, Wis-  
9 consin, authorized by the first section of the River and  
10 Harbor Act of June 23, 1866, beginning at station  
11 190+00 to station 378+00 is authorized to a width of  
12 75 feet and a depth of 6 feet.

13 (f) ADDITIONAL DEAUTHORIZATIONS.—The fol-  
14 lowing projects are not authorized after the date of enact-  
15 ment of this Act, except with respect to any portion of  
16 such a project which portion has been completed before  
17 such date or is under construction on such date:

18 (1) The project for flood control, Cache Creek  
19 Basin, Clear Lake Outlet Channel, California, au-  
20 thorized by section 401(a) of the Water Resources  
21 Development Act of 1986 (100 Stat. 4112).

22 (2) The project for flood protection on  
23 Atascadero Creek and its tributaries of Goleta, Cali-  
24 fornia, authorized by section 201 of the Flood Con-  
25 trol Act of 1970 (84 Stat. 1826).

1           (3) The project for flood control, central and  
2           southern Florida, Shingle Creek basin, Florida, au-  
3           thorized by section 203 of the Flood Control Act of  
4           1962 (76 Stat. 1182).

5           (4) The project for flood control, Middle Wa-  
6           bash, Greenfield Bayou, Indiana, authorized by sec-  
7           tion 10 of the Flood Control Act of July 24, 1946  
8           (60 Stat. 649).

9           (5) The project for flood damage reduction,  
10          Lake George, Hobart, Indiana, authorized by section  
11          602(a)(2) of the Water Resources Development Act  
12          of 1986 (100 Stat. 4148).

13          (6) The project for flood control, Green Bay  
14          Levee and Drainage District No. 2, Iowa, authorized  
15          by section 401(a) of the Water Resources Develop-  
16          ment Act of 1986 (100 Stat. 4115), deauthorized in  
17          fiscal year 1991, and reauthorized by section 115(a)  
18          of the Water Resources Development Act of 1992  
19          (106 Stat. 4821).

20          (7) The project for flood control, Hazard, Ken-  
21          tucky, authorized by section 3(a)(7) of the Water  
22          Resources Development Act of 1988 (100 Stat.  
23          4014) and section 108 of the Water Resources De-  
24          velopment Act of 1990 (104 Stat. 4621).



1           (8) The recreation portion of the project for  
2 flood control, Taylorsville Lake, Kentucky, author-  
3 ized by section 203 of the Flood Control Act of 1966  
4 (80 Stat. 1421).

5           (9) The project for flood control, western Ken-  
6 tucky tributaries, Kentucky, authorized by section  
7 204 of the Flood Control Act of 1965 (79 Stat.  
8 1076) and modified by section 210 of the Flood  
9 Control Act of 1970 (84 Stat. 1829).

10          (10) The project for flood damage reduction,  
11 Tensas-Cocodrie area, Louisiana, authorized by sec-  
12 tion 3 of the Flood Control Act of August 18, 1941  
13 (55 Stat. 643).

14          (11) The project for flood control, Eastern  
15 Rapides and South-Central Avoyelles Parishes, Lou-  
16 isiana, authorized by section 201 of the Flood Con-  
17 trol Act of 1970 (84 Stat. 1825).

18          (12) The bulkhead and jetty features at Lake  
19 Borgne and Chef Menteur, Louisiana, of the project  
20 for navigation, Mississippi River, Baton Rouge to  
21 the Gulf of Mexico, barge channel through Devils  
22 Swamp, Louisiana, authorized by the first section of  
23 the River and Harbor Act of July 24, 1946 (60  
24 Stat. 635).

1           (13) The project for navigation Red River Wa-  
2           terway, Shreveport, Louisiana to Daingerfield,  
3           Texas, authorized by the River and Harbor Act of  
4           1968 (82 Stat. 731).

5           (14) The project for flood damage reduction  
6           Brockton, Massachusetts, authorized by section  
7           401(c) of the Water Resources Development Act of  
8           1986 (100 Stat. 4129).

9           (15) The project for navigation, Grand Haven  
10          Harbor, Michigan, authorized by section 202 of the  
11          Water Resources Development Act of 1986 (100  
12          Stat. 4093).

13          (16) The project for hydropower, Libby Dam,  
14          Montana, (Units 6–8), authorized by section 549 of  
15          the Water Resources Development Act of 1996 (110  
16          Stat. 3779).

17          (17) The project for flood damage reduction,  
18          Platte River Flood and Related Streambank Erosion  
19          Control, Nebraska, authorized by section 603(f)(6)  
20          of the Water Resources Development Act of 1986  
21          (100 Stat. 4150).

22          (18) The project for navigation, Outer Harbor,  
23          Buffalo, New York, authorized by section 110 of the  
24          Water Resources Development Act of 1992 (106  
25          Stat. 4817).

1           (19) The project for flood control, Sugar Creek  
2           Basin, North Carolina and South Carolina, author-  
3           ized by section 401(a) of the Water Resources De-  
4           velopment Act of 1986 (100 Stat. 4121).

5           (20) The project for flood control, Miami River,  
6           Fairfield, Ohio, authorized by section 401(a) of the  
7           Water Resources Development Act of 1986 (100  
8           Stat. 4122).

9           (21) The project for shoreline protection,  
10          Maumee Bay, Lake Erie, Ohio, authorized by sec-  
11          tion 501(a) of the Water Resources Development  
12          Act of 1986 (100 Stat. 4135).

13          (22) The project for flood control and water  
14          supply, Parker Lake, Muddy Boggy Creek, Okla-  
15          homa, authorized by section 601 of the Water Re-  
16          sources Development Act of 1986 (100 Stat. 4144).

17          (23) The project for the Columbia River, Sea-  
18          farers Memorial, Hammond, Oregon, authorized by  
19          title I of the Energy and Water Development Appro-  
20          priations Act, 1991 (104 Stat. 2078).

21          (24) The project for bulkhead repairs, Quonset  
22          Point-Davisville, Rhode Island, authorized by section  
23          571 of the Water Resources Development Act of  
24          1996 (110 Stat. 3788).

1           (25) The project for flood damage reduction,  
2       Harris Fork Creek, Tennessee and Kentucky, au-  
3       thorized by section 102 of the Water Resources De-  
4       velopment Act of 1976 (90 Stat. 2921).

5           (26) The Arroyo Colorado, Texas, feature of  
6       the project for flood control Lower Rio Grande,  
7       Texas, authorized by section 401(a) of the Water  
8       Resources Development Act of 1986 (100 Stat.  
9       4125).

10          (27) The structural portion of the project for  
11       flood control, Cypress Creek, Texas, authorized by  
12       section 3(a)(13) of the Water Resources Develop-  
13       ment Act of 1988 (102 Stat. 4014).

14          (28) The project for flood protection, East Fork  
15       Channel Improvement, Increment 2, East Fork of  
16       the Trinity River, Texas, authorized by section 202  
17       of the Flood Control Act of 1962 (76 Stat. 1185).

18          (29) The project for flood control, Falfurrias,  
19       Texas, authorized by section 3(a)(14) of the Water  
20       Resources Development Act of 1988 (102 Stat.  
21       4014).

22          (30) The project for streambank erosion,  
23       Kanawha River, Charleston, West Virginia, author-  
24       ized by section 603(f)(13) of the Water Resources  
25       Development Act of 1986 (100 Stat. 4153).

1 (g) CONDITIONS.—The first sentence of section  
 2 1001(b)(2) of the Water Resources Development Act of  
 3 1986 (33 U.S.C. 579a(b)(2)) is amended—

4 (1) by striking “two years” and inserting  
 5 “year”; and

6 (2) by striking “7” and inserting “5”.

7 **SEC. 3131. LAND CONVEYANCES.**

8 (a) ST. FRANCIS BASIN, ARKANSAS AND MIS-  
 9 SOURI.—

10 (1) IN GENERAL.—The Secretary shall convey  
 11 to the State of Arkansas, without monetary consid-  
 12 eration and subject to paragraph (2), all right, title,  
 13 and interest to real property within the State ac-  
 14 quired by the Federal Government as mitigation  
 15 land for the project for flood control, St. Francis  
 16 Basin, Arkansas and Missouri Project, authorized by  
 17 the Flood Control Act of May 15, 1928 (33 U.S.C.  
 18 702a et seq.).

19 (2) TERMS AND CONDITIONS.—

20 (A) IN GENERAL.—The conveyance by the  
 21 United States under this subsection shall be  
 22 subject to—

23 (i) the condition that the State of Ar-  
 24 kansas agree to operate, maintain, and  
 25 manage the real property for fish and wild-

1 life, recreation, and environmental pur-  
2 poses at no cost or expense to the United  
3 States; and

4 (ii) such other terms and conditions  
5 as the Secretary determines to be in the  
6 interest of the United States.

7 (B) REVERSION.—If the Secretary deter-  
8 mines that the real property conveyed under  
9 paragraph (1) ceases to be held in public own-  
10 ership or the State ceases to operate, maintain,  
11 and manage the real property in accordance  
12 with this subsection, all right, title, and interest  
13 in and to the property shall revert to the United  
14 States, at the option of the Secretary.

15 (3) MITIGATION.—Nothing in this subsection  
16 extinguishes the responsibility of the Federal Gov-  
17 ernment or the non-Federal interest for the project  
18 referred to in paragraph (1) from the obligation to  
19 implement mitigation for such project that existed  
20 on the day prior to the transfer authorized by this  
21 subsection.

22 (b) MILFORD, KANSAS.—

23 (1) IN GENERAL.—The Secretary shall convey  
24 by quitclaim deed without consideration to the Geary  
25 County Fire Department, Milford, Kansas, all right,

1 title, and interest of the United States in and to real  
2 property consisting of approximately 7.4 acres lo-  
3 cated in Geary County, Kansas, for construction, op-  
4 eration, and maintenance of a fire station.

5 (2) REVERSION.—If the Secretary determines  
6 that the real property conveyed under paragraph (1)  
7 ceases to be held in public ownership or to be used  
8 for any purpose other than a fire station, all right,  
9 title, and interest in and to the property shall revert  
10 to the United States, at the option of the United  
11 States.

12 (c) CALCASIEU SHIP CHANNEL, LOUISIANA.—

13 (1) IN GENERAL.—At such time as Pujo Heirs  
14 and Westland Corporation conveys all right, title,  
15 and interest in and to the real property described in  
16 paragraph (2)(A) to the United States, the Sec-  
17 retary shall convey all right, title, and interest of the  
18 United States in and to the real property described  
19 in paragraph (2)(B) to Pujo Heirs and Westland  
20 Corporation.

21 (2) LAND DESCRIPTION.—The parcels of land  
22 referred to in paragraph (1) are the following:

23 (A) NON-FEDERAL LAND.—An equivalent  
24 area to the real property described in subpara-  
25 graph (B). The parcels that may be exchanged

1 include Tract 128E, Tract 129E, Tract 131E,  
2 Tract 41A, Tract 42, Tract 132E, Tract 130E,  
3 Tract 134E, Tract 133E-3, Tract 140E, or  
4 some combination thereof.

5 (B) FEDERAL LAND.—An area in Cameron  
6 Parish, Louisiana, known as portions of Gov-  
7 ernment Tract Numbers 139E-2 and 48 (both  
8 tracts on the west shore of the Calcasieu Ship  
9 Channel), and known as Corps of Engineers  
10 Dredge Material Placement Area O.

11 (3) CONDITIONS.—The exchange of real prop-  
12 erty under paragraph (1) shall be subject to the fol-  
13 lowing conditions:

14 (A) DEEDS.—

15 (i) NON-FEDERAL LAND.—The con-  
16 veyance of the real property described in  
17 paragraph (2)(A) to the Secretary shall be  
18 by a warranty deed acceptable to the Sec-  
19 retary.

20 (ii) FEDERAL LAND.—The conveyance  
21 of the real property described in paragraph  
22 (2)(B) to Pujo Heirs and Westland Cor-  
23 poration shall be by quitclaim deed.

24 (B) TIME LIMIT FOR EXCHANGE.—The  
25 land exchange under paragraph (1) shall be



1 completed not later than 1 year after the date  
2 of enactment of this Act.

3 (4) VALUE OF PROPERTIES.—If the appraised  
4 fair market value, as determined by the Secretary,  
5 of the real property conveyed to Pujo Heirs and  
6 Westland Corporation by the Secretary under para-  
7 graph (1) exceeds the appraised fair market value,  
8 as determined by the Secretary, of the real property  
9 conveyed to the United States by Pujo Heirs and  
10 Westland Corporation under paragraph (1), Pujo  
11 Heirs and Westland Corporation shall make a pay-  
12 ment to the United States equal to the excess in  
13 cash or a cash equivalent that is satisfactory to the  
14 Secretary.

15 (d) PIKE COUNTY, MISSOURI.—

16 (1) IN GENERAL.—At such time as S.S.S., Inc.,  
17 conveys all right, title and interest in and to the real  
18 property described in paragraph (2)(A) to the  
19 United States, the Secretary shall convey all right,  
20 title, and interest of the United States in and to the  
21 real property described in paragraph (2)(B) to  
22 S.S.S., Inc.

23 (2) LAND DESCRIPTION.—The parcels of land  
24 referred to in paragraph (1) are the following:

1           (A) NON-FEDERAL LAND.—Approximately  
2           42 acres, the exact legal description to be deter-  
3           mined by mutual agreement of S.S.S., Inc., and  
4           the Secretary, subject to any existing flowage  
5           easements situated in Pike County, Missouri,  
6           upstream and northwest, about a 200-foot dis-  
7           tance from Drake Island (also known as Grimes  
8           Island).

9           (B) FEDERAL LAND.—Approximately 42  
10          acres, the exact legal description to be deter-  
11          mined by mutual agreement of S.S.S. Inc., and  
12          the Secretary, situated in Pike County, Mis-  
13          souri, known as Government Tract Numbers  
14          MIs-7 and a portion of FM-46 (both tracts on  
15          Buffalo Island), administered by the Corps of  
16          Engineers.

17          (3) CONDITIONS.—The exchange of real prop-  
18          erty under paragraph (1) shall be subject to the fol-  
19          lowing conditions:

20               (A) DEEDS.—

21                   (i) NON-FEDERAL LAND.—The con-  
22                   veyance of the real property described in  
23                   paragraph (2)(A) to the Secretary shall be  
24                   by a warranty deed acceptable to the Sec-  
25                   retary.

1 (ii) FEDERAL LAND.—The instrument  
2 of conveyance used to convey the real prop-  
3 erty described in paragraph (2)(B) to  
4 S.S.S., Inc., shall be by quitclaim deed and  
5 contain such reservations, terms, and con-  
6 ditions as the Secretary considers nec-  
7 essary to allow the United States to oper-  
8 ate and maintain the Mississippi River 9-  
9 Foot Navigation Project.

10 (B) REMOVAL OF IMPROVEMENTS.—  
11 S.S.S., Inc., may remove, and the Secretary  
12 may require S.S.S., Inc., to remove, any im-  
13 provements on the land described in paragraph  
14 (2)(A).

15 (C) TIME LIMIT FOR EXCHANGE.—The  
16 land exchange under paragraph (1) shall be  
17 completed not later than 2 years after the date  
18 of enactment of this Act.

19 (4) VALUE OF PROPERTIES.—If the appraised  
20 fair market value, as determined by the Secretary,  
21 of the real property conveyed to S.S.S., Inc., by the  
22 Secretary under paragraph (1) exceeds the appraised  
23 fair market value, as determined by the Secretary,  
24 of the real property conveyed to the United States  
25 by S.S.S., Inc., under paragraph (1), S.S.S., Inc.,

1       shall make a payment to the United States equal to  
2       the excess in cash or a cash equivalent that is satis-  
3       factory to the Secretary.

4       (e) BOARDMAN, OREGON.—Section 501(g)(1) of the  
5       Water Resources Development Act of 1996 (110 Stat.  
6       3751) is amended—

7               (1) by striking “city of Boardman,” and insert-  
8       ing “the Boardman Park and Recreation District,  
9       Boardman,”; and

10              (2) by striking “such city” and inserting “the  
11       city of Boardman”.

12       (f) TIOGA TOWNSHIP, PENNSYLVANIA.—

13              (1) IN GENERAL.—The Secretary shall convey  
14       by quitclaim deed to the Tioga Township, Pennsyl-  
15       vania, without consideration, all right, title, and in-  
16       terest of the United States in and to the parcel of  
17       real property located on the northeast end of Tract  
18       No. 226, a portion of the Tioga-Hammond Lakes  
19       flood control project, Tioga County, Pennsylvania,  
20       consisting of approximately 8 acres, together with  
21       any improvements on that property, for public own-  
22       ership and use as the site of the administrative of-  
23       fices and road maintenance complex for the Town-  
24       ship.

1           (2) RESERVATION OF INTERESTS.—The Sec-  
2       retary shall reserve such rights and interests in and  
3       to the property to be conveyed as the Secretary con-  
4       siders necessary to preserve the operational integrity  
5       and security of the Tioga-Hammond Lakes flood  
6       control project.

7           (3) REVERSION.—If the Secretary determines  
8       that the property conveyed under paragraph (1)  
9       ceases to be held in public ownership, or to be used  
10      as a site for the Tioga Township administrative of-  
11      fices and road maintenance complex or for related  
12      public purposes, all right, title, and interest in and  
13      to the property shall revert to the United States, at  
14      the option of the United States.

15      (g) RICHARD B. RUSSELL LAKE, SOUTH CARO-  
16      LINA.—

17           (1) IN GENERAL.—The Secretary shall convey  
18      to the State of South Carolina, by quitclaim deed,  
19      at fair market value, all right, title, and interest of  
20      the United States in and to the real property de-  
21      scribed in paragraph (2) that is managed, as of the  
22      date of enactment of this Act, by the South Carolina  
23      department of commerce for public recreation pur-  
24      poses for the Richard B. Russell Dam and Lake,

1 South Carolina, project authorized by section 203 of  
2 the Flood Control Act of 1966 (80 Stat. 1420).

3 (2) LAND DESCRIPTION.—Subject to paragraph  
4 (3), the real property referred to in paragraph (1)  
5 is the parcel contained in the portion of real prop-  
6 erty described in Army Lease Number DACW21-1-  
7 92-0500.

8 (3) RESERVATION OF INTERESTS.—The United  
9 States shall reserve—

10 (A) ownership of all real property included  
11 in the lease referred to in paragraph (2) that  
12 would have been acquired for operational pur-  
13 poses in accordance with the 1971 implementa-  
14 tion of the 1962 Army/Interior Joint Acquisi-  
15 tion Policy; and

16 (B) such other rights and interests in and  
17 to the real property to be conveyed as the Sec-  
18 retary considers necessary for authorized  
19 project purposes, including easement rights-of-  
20 way to remaining Federal land.

21 (4) NO EFFECT ON SHORE MANAGEMENT POL-  
22 ICY.—The Shoreline Management Policy (ER-1130-  
23 2-406) of the Corps of Engineer shall not be  
24 changed or altered for any proposed development of  
25 land conveyed under this subsection.

1           (5) COST SHARING.—In carrying out the con-  
2       veyance under this subsection, the Secretary and the  
3       State shall comply with all obligations of any cost-  
4       sharing agreement between the Secretary and the  
5       State with respect to the real property described in  
6       paragraph (2) in effect as of the date of the convey-  
7       ance.

8           (6) LAND NOT CONVEYED.—The State shall  
9       continue to manage the real property described in  
10      paragraph (3) not conveyed under this subsection in  
11      accordance with the terms and conditions of Army  
12      Lease Number DACW21-1-92-0500.

13      (h) GENERALLY APPLICABLE PROVISIONS.—

14           (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—  
15      The exact acreage and the legal description of any  
16      real property to be conveyed under this section shall  
17      be determined by a survey that is satisfactory to the  
18      Secretary.

19           (2) APPLICABILITY OF PROPERTY SCREENING  
20      PROVISIONS.—Section 2696 of title 10, United  
21      States Code, shall not apply to any conveyance  
22      under this section.

23           (3) ADDITIONAL TERMS AND CONDITIONS.—  
24      The Secretary may require that any conveyance  
25      under this section be subject to such additional

1 terms and conditions as the Secretary considers ap-  
2 propriate and necessary to protect the interests of  
3 the United States.

4 (4) COSTS OF CONVEYANCE.—An entity to  
5 which a conveyance is made under this section shall  
6 be responsible for all reasonable and necessary costs,  
7 including real estate transaction and environmental  
8 documentation costs, associated with the conveyance.

9 (5) LIABILITY.—An entity to which a convey-  
10 ance is made under this section shall hold the  
11 United States harmless from any liability with re-  
12 spect to activities carried out, on or after the date  
13 of the conveyance, on the real property conveyed.  
14 The United States shall remain responsible for any  
15 liability with respect to activities carried out, before  
16 such date, on the real property conveyed.

17 **SEC. 3132. EXTINGUISHMENT OF REVERSIONARY INTER-**  
18 **ESTS AND USE RESTRICTIONS.**

19 (a) IDAHO.—

20 (1) IN GENERAL.—With respect to the property  
21 covered by each deed in paragraph (2)—

22 (A) the reversionary interests and use re-  
23 strictions relating to port and industrial use  
24 purposes are extinguished;



1 (B) the restriction that no activity shall be  
2 permitted that will compete with services and  
3 facilities offered by public marinas is extin-  
4 guished;

5 (C) the human habitation or other building  
6 structure use restriction is extinguished if the  
7 elevation of the property is above the standard  
8 project flood elevation; and

9 (D) the use of fill material to raise areas  
10 of the property above the standard project flood  
11 elevation is authorized, except in any area for  
12 which a permit under section 404 of the Fed-  
13 eral Water Pollution Control Act (33 U.S.C.  
14 1344) is required.

15 (2) AFFECTED DEEDS.—The deeds with the fol-  
16 lowing county auditor’s file numbers are referred to  
17 in paragraph (1):

18 (A) Auditor’s Instruments No. 399218 and  
19 No. 399341 of Nez Perce County, Idaho—2.07  
20 acres.

21 (B) Auditor’s Instruments No. 487437 and  
22 No. 339341 of Nez Perce County, Idaho—7.32  
23 acres.

24 (b) OLD HICKORY LOCK AND DAM, CUMBERLAND  
25 RIVER, TENNESSEE.—

1           (1) RELEASE OF RETAINED RIGHTS, INTER-  
2       ESTS, RESERVATIONS.—With respect to land con-  
3       veyed by the Secretary to the Tennessee Society of  
4       Crippled Children and Adults, Incorporated (now  
5       known as “Easter Seals Tennessee”), at Old Hick-  
6       ory Lock and Dam, Cumberland River, Tennessee,  
7       under section 211 of the Flood Control Act of 1965  
8       (79 Stat. 1087), the reversionary interests and the  
9       use restrictions relating to recreation and camping  
10      purposes are extinguished.

11          (2) INSTRUMENT OF RELEASE.—As soon as  
12      possible after the date of enactment of this Act, the  
13      Secretary shall execute and file in the appropriate  
14      office a deed of release, amended deed, or other ap-  
15      propriate instrument effectuating the release of in-  
16      terests required by paragraph (1).

17      (c) PORT OF PASCO, WASHINGTON.—

18          (1) EXTINGUISHMENT OF USE RESTRICTIONS  
19      AND FLOWAGE EASEMENT.—With respect to the  
20      property covered by the deed in paragraph (3)(A)—

21              (A) the flowage easement and human habi-  
22              tation or other building structure use restriction  
23              is extinguished if the elevation of the property  
24              is above the standard project flood elevation;  
25              and

1 (B) the use of fill material to raise areas  
 2 of the property above the standard project flood  
 3 elevation is authorized, except in any area for  
 4 which a permit under section 404 of the Fed-  
 5 eral Water Pollution Control Act (33 U.S.C.  
 6 1344) is required.

7 (2) EXTINGUISHMENT OF FLOWAGE EASE-  
 8 MENT.—With respect to the property covered by  
 9 each deed in paragraph (3)(B), the flowage ease-  
 10 ment is extinguished if the elevation of the property  
 11 is above the standard project flood elevation.

12 (3) AFFECTED DEEDS.—The deeds referred to  
 13 in paragraphs (1) and (2) are as follows:

14 (A) Auditor's File Number 262980 of  
 15 Franklin County, Washington.

16 (B) Auditor's File Numbers 263334 and  
 17 404398 of Franklin County, Washington.

18 (d) NO EFFECT ON OTHER RIGHTS.—Nothing in  
 19 this section affects the remaining rights and interests of  
 20 the Corps of Engineers for authorized project purposes.

## 21 **TITLE IV—STUDIES**

### 22 **SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

23 Section 455 of the Water Resources Development Act  
 24 of 1999 (42 U.S.C. 1962d–21) is amended by adding at  
 25 the end the following:

1       “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The  
2 non-Federal interest may provide up to 100 percent of the  
3 non-Federal share required under subsection (f) in the  
4 form of in-kind services and materials.”.

5 **SEC. 4002. LAKE ERIE DREDGED MATERIAL DISPOSAL**  
6 **SITES.**

7       The Secretary shall conduct a study to determine the  
8 nature and frequency of avian botulism problems in the  
9 vicinity of Lake Erie associated with dredged material dis-  
10 posal sites and shall make recommendations to eliminate  
11 the conditions that result in such problems.

12 **SEC. 4003. SOUTHWESTERN UNITED STATES DROUGHT**  
13 **STUDY.**

14       (a) IN GENERAL.—The Secretary, in coordination  
15 with the Secretary of the Interior, the Secretary of Agri-  
16 culture, the Secretary of Commerce, and other appropriate  
17 agencies, shall conduct, at Federal expense, a comprehen-  
18 sive study of drought conditions in the southwestern  
19 United States, with a particular emphasis on the Colorado  
20 River basin, the Rio Grande River basin, and the Great  
21 Basin.

22       (b) INVENTORY OF ACTIONS.—In conducting the  
23 study, the Secretary shall assemble an inventory of actions  
24 taken or planned to be taken to address drought-related  
25 situations in the southwestern United States.

1       (c) PURPOSE.—The purpose of the study shall be to  
2   develop recommendations to more effectively address cur-  
3   rent and future drought conditions in the southwestern  
4   United States.

5       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
6   are authorized to be appropriated to the Secretary to carry  
7   out this section \$7,000,000. Such funds shall remain  
8   available until expended.

9   **SEC. 4004. UPPER MISSISSIPPI RIVER COMPREHENSIVE**  
10                   **PLAN.**

11       Section 459(e) of the Water Resources Development  
12   Act of 1999 (113 Stat. 333; 114 Stat. 2635) is amended  
13   by striking “3 years after the first date on which funds  
14   are appropriated to carry out this section” and inserting  
15   “December 30, 2006”.

16   **SEC. 4005. DELAWARE RIVER.**

17       The Secretary shall review, in consultation with the  
18   Delaware River Basin Commission and the States of Dela-  
19   ware, Pennsylvania, New Jersey, and New York, the re-  
20   port of the Chief of Engineers on the Delaware River, pub-  
21   lished as House Document Numbered 522, 87th Congress,  
22   Second Session, as it relates to the Mid-Delaware River  
23   Basin from Wilmington to Port Jervis, and any other per-  
24   tinent reports (including the strategy for resolution of  
25   interstate flow management issues in the Delaware River

1 Basin dated August 2004 and the National Park Service  
2 Lower Delaware River Management Plan (1997–1999)),  
3 with a view to determining whether any modifications of  
4 recommendations contained in the first report referred to  
5 are advisable at the present time, in the interest of flood  
6 damage reduction, ecosystem restoration, and other re-  
7 lated problems.

8 **SEC. 4006. KNIK ARM, COOK INLET, ALASKA.**

9 The Secretary shall conduct, at Federal expense, a  
10 study to determine the potential impacts on navigation of  
11 construction of a bridge across Knik Arm, Cook Inlet,  
12 Alaska.

13 **SEC. 4007. KUSKOKWIM RIVER, ALASKA.**

14 The Secretary shall conduct a study to determine the  
15 feasibility of carrying out a project for navigation,  
16 Kuskokwim River, Alaska, in the vicinity of the village of  
17 Crooked Creek.

18 **SEC. 4008. ST. GEORGE HARBOR, ALASKA.**

19 The Secretary shall conduct, at Federal expense, a  
20 study to determine the feasibility of providing navigation  
21 improvements at St. George Harbor, Alaska.

22 **SEC. 4009. SUSITNA RIVER, ALASKA.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out a project for hydropower, recre-  
25 ation, and related purposes on the Susitna River, Alaska.

1 **SEC. 4010. GILA BEND, MARICOPA, ARIZONA.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction, Gila Bend, Maricopa, Arizona. In conducting the  
5 study, the Secretary shall review plans and designs devel-  
6 oped by non-Federal interests and shall incorporate such  
7 plans and designs into the Federal study if the Secretary  
8 determines that such plans and designs are consistent with  
9 Federal standards.

10 **SEC. 4011. SEARCY COUNTY, ARKANSAS.**

11       The Secretary shall conduct a study to determine the  
12 feasibility of using Greers Ferry Lake as a water supply  
13 source for Searcy County, Arkansas.

14 **SEC. 4012. DRY CREEK VALLEY, CALIFORNIA.**

15       The Secretary shall conduct a study to determine the  
16 feasibility of carrying out a project to provide recycled  
17 water for agricultural water supply, Dry Creek Valley,  
18 California, including a review of the feasibility of expand-  
19 ing the Geysers recharge project north of Healdsburg,  
20 California.

21 **SEC. 4013. ELKHORN SLOUGH ESTUARY, CALIFORNIA.**

22       The Secretary shall conduct a study of the Elkhorn  
23 Slough estuary, California, to determine the feasibility of  
24 conserving, enhancing, and restoring estuarine habitats by  
25 developing strategies to address hydrological management  
26 issues.

1 **SEC. 4014. FRESNO, KINGS, AND KERN COUNTIES, CALI-**  
2 **FORNIA.**

3 The Secretary shall conduct a study to determine the  
4 feasibility of carrying out a project for water supply for  
5 Fresno, Kings, and Kern Counties, California.

6 **SEC. 4015. LOS ANGELES RIVER, CALIFORNIA.**

7 (a) IN GENERAL.—The Secretary shall conduct a  
8 study to determine the feasibility of carrying out a project  
9 for flood damage reduction and ecosystem restoration, Los  
10 Angeles River, California.

11 (b) REVITALIZATION PLAN.—In conducting the  
12 study, the Secretary shall review the Los Angeles River  
13 revitalization plan developed by non-Federal interests and  
14 shall incorporate such plan into the Federal study if the  
15 Secretary determines that such plan is consistent with  
16 Federal standards.

17 **SEC. 4016. LYTLE CREEK, RIALTO, CALIFORNIA.**

18 The Secretary shall conduct a study to determine the  
19 feasibility of carrying out a project for flood damage re-  
20 duction and groundwater recharge, Lytle Creek, Rialto,  
21 California.

22 **SEC. 4017. MOKELUMNE RIVER, SAN JOAQUIN COUNTY,**  
23 **CALIFORNIA.**

24 (a) IN GENERAL.—The Secretary shall conduct a  
25 study to determine the feasibility of carrying out a project



1 for water supply along the Mokelumne River, San Joaquin  
2 County, California.

3 (b) LIMITATION ON STATUTORY CONSTRUCTION.—  
4 Nothing in this section shall be construed to invalidate,  
5 preempt, or create any exception to State water law, State  
6 water rights, or Federal or State permitted activities or  
7 agreements.

8 **SEC. 4018. NAPA RIVER, ST. HELENA, CALIFORNIA.**

9 (a) IN GENERAL.—The Secretary shall conduct a  
10 comprehensive study of the Napa River in the vicinity of  
11 St. Helena, California, for the purposes of improving flood  
12 management through reconnecting the river to its flood-  
13 plain; restoring habitat, including riparian and aquatic  
14 habitat; improving fish passage and water quality; and re-  
15 storing native plant communities.

16 (b) PLANS AND DESIGNS.—In conducting the study,  
17 the Secretary shall review plans and designs developed by  
18 non-Federal interests and shall incorporate such plans and  
19 designs into the Federal study if the Secretary determines  
20 that such plans and designs are consistent with Federal  
21 standards.

22 **SEC. 4019. ORICK, CALIFORNIA.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out a project for flood damage re-  
25 duction and ecosystem restoration, Orick, California. In

1 conducting the study, the Secretary shall determine the  
2 feasibility of restoring or rehabilitating the Redwood  
3 Creek Levees, Humboldt County, California.

4 **SEC. 4020. RIALTO, FONTANA, AND COLTON, CALIFORNIA.**

5 The Secretary shall conduct a study to determine the  
6 feasibility of carrying out a project for water supply for  
7 Rialto, Fontana, and Colton, California.

8 **SEC. 4021. SACRAMENTO RIVER, CALIFORNIA.**

9 The Secretary shall conduct a comprehensive study  
10 to determine the feasibility of, and alternatives for, meas-  
11 ures to protect water diversion facilities and fish protective  
12 screen facilities in the vicinity of river mile 178 on the  
13 Sacramento River, California.

14 **SEC. 4022. SAN DIEGO COUNTY, CALIFORNIA.**

15 The Secretary shall conduct a study to determine the  
16 feasibility of carrying out a project for water supply, San  
17 Diego County, California, including a review of the feasi-  
18 bility of connecting 4 existing reservoirs to increase usable  
19 storage capacity.

20 **SEC. 4023. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**  
21 **QUIN DELTA, CALIFORNIA.**

22 (a) IN GENERAL.—The Secretary shall conduct a  
23 study to determine the feasibility of the beneficial use of  
24 dredged material from the San Francisco Bay in the Sac-  
25 ramento-San Joaquin Delta, California, including the ben-

1 efits and impacts of salinity in the Delta and the benefits  
2 to navigation, flood damage reduction, ecosystem restora-  
3 tion, water quality, salinity control, water supply reli-  
4 ability, and recreation.

5 (b) COOPERATION.—In conducting the study, the  
6 Secretary shall cooperate with the California Department  
7 of Water Resources and appropriate Federal and State en-  
8 tities in developing options for the beneficial use of  
9 dredged material from San Francisco Bay for the Sac-  
10 ramento-San Joaquin Delta area.

11 (c) REVIEW.—The study shall include a review of the  
12 feasibility of using Sherman Island as a rehandling site  
13 for levee maintenance material, as well as for ecosystem  
14 restoration. The review may include monitoring a pilot  
15 project using up to 150,000 cubic yards of dredged mate-  
16 rial and being carried out at the Sherman Island site, ex-  
17 amining larger scale use of dredged materials from the  
18 San Francisco Bay and Suisun Bay Channel, and ana-  
19 lyzing the feasibility of the potential use of saline mate-  
20 rials from the San Francisco Bay for both rehandling and  
21 ecosystem restoration purposes.

22 **SEC. 4024. SOUTH SAN FRANCISCO BAY SHORELINE STUDY,**  
23 **CALIFORNIA.**

24 (a) IN GENERAL.—In conducting the South San  
25 Francisco Bay shoreline study, the Secretary shall—

1           (1) review the planning, design, and land acqui-  
2           sition documents prepared by the California State  
3           Coastal Conservancy, the Santa Clara Valley Water  
4           District, and other local interests in developing rec-  
5           ommendations for measures to provide flood protec-  
6           tion of the South San Francisco Bay shoreline, res-  
7           toration of the South San Francisco Bay salt ponds  
8           (including lands owned by the Department of the In-  
9           terior), and other related purposes; and

10          (2) incorporate such planning, design, and land  
11          acquisition documents into the Federal study if the  
12          Secretary determines that such documents are con-  
13          sistent with Federal standards.

14          (b) REPORT.—Not later than December 31, 2008,  
15          the Secretary shall transmit a feasibility report for the  
16          South San Francisco Bay shoreline study to the Com-  
17          mittee on Transportation and Infrastructure of the House  
18          of Representatives and the Committee on Environment  
19          and Public Works of the Senate.

20          (c) CREDIT.—

21               (1) IN GENERAL.—The Secretary shall credit  
22               toward the non-Federal share of the cost of any  
23               project authorized by law as a result of the South  
24               San Francisco Bay shoreline study the cost of work  
25               carried out by the non-Federal interest before the

1 date of the partnership agreement for the project if  
2 the Secretary determines that the work is integral to  
3 the project.

4 (2) LIMITATION.—In no case may work that  
5 was carried out more than 5 years before the date  
6 of enactment of this Act be eligible for credit under  
7 this subsection.

8 **SEC. 4025. TWENTYNINE PALMS, CALIFORNIA.**

9 The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for flood damage re-  
11 duction, Pinto Cove Wash, in the vicinity of Twentynine  
12 Palms, California.

13 **SEC. 4026. YUCCA VALLEY, CALIFORNIA.**

14 The Secretary shall conduct a study to determine the  
15 feasibility of carrying out a project for flood damage re-  
16 duction, West Burnt Mountain basin, in the vicinity of  
17 Yucca Valley, California.

18 **SEC. 4027. BOULDER CREEK, BOULDER, COLORADO.**

19 The Secretary shall conduct a study to determine the  
20 feasibility of carrying out a project for flood damage re-  
21 duction in the Boulder Creek floodplain, Colorado.

22 **SEC. 4028. ROARING FORK RIVER, BASALT, COLORADO.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out a project for flood damage re-

1 duction and other purposes for the Roaring Fork River,  
2 Basalt, Colorado.

3 **SEC. 4029. DELAWARE AND CHRISTINA RIVERS AND**  
4 **SHELLPOT CREEK, WILMINGTON, DELAWARE.**

5 The Secretary shall conduct a study to determine the  
6 feasibility of carrying out a project for flood damage re-  
7 duction and related purposes along the Delaware and  
8 Christina Rivers and Shellpot Creek, Wilmington, Dela-  
9 ware.

10 **SEC. 4030. COLLIER COUNTY BEACHES, FLORIDA.**

11 The Secretary shall conduct a study to determine the  
12 feasibility of carrying out a project for hurricane and  
13 storm damage reduction and flood damage reduction in  
14 the vicinity of Vanderbilt, Park Shore, and Naples beach-  
15 es, Collier County, Florida.

16 **SEC. 4031. VANDERBILT BEACH LAGOON, FLORIDA.**

17 The Secretary shall conduct a study to determine the  
18 feasibility of carrying out a project for environmental res-  
19 toration, water supply, and improvement of water quality  
20 at Vanderbilt Beach Lagoon, Florida.

21 **SEC. 4032. MERIWETHER COUNTY, GEORGIA.**

22 The Secretary shall conduct a study to determine the  
23 feasibility of carrying out a project for water supply,  
24 Meriwether County, Georgia.

1   **SEC. 4033. TYBEE ISLAND, GEORGIA.**

2           The Secretary shall conduct a study to determine the  
3   feasibility of including the northern end of Tybee Island  
4   extending from the north terminal groin to the mouth of  
5   Lazaretto Creek as a part of the project for beach erosion  
6   control, Tybee Island, Georgia, carried out under section  
7   201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–  
8   5).

9   **SEC. 4034. KAUKONAHUA-HELEMANO WATERSHED, OAHU,**  
10                   **HAWAII.**

11          The Secretary shall conduct a study to determine the  
12   feasibility of carrying out a project for flood damage re-  
13   duction, Kaukonahua-Helemano watershed, Oahu, Ha-  
14   waii.

15   **SEC. 4035. WEST MAUI, MAUI, HAWAII.**

16          The Secretary shall conduct a study to determine the  
17   feasibility of carrying out projects for water resources de-  
18   velopment, environmental restoration, and natural re-  
19   sources protection, West Maui, Maui, Hawaii.

20   **SEC. 4036. BOISE RIVER, IDAHO.**

21          The study for flood control, Boise River, Idaho, au-  
22   thorized by section 414 of the Water Resources Develop-  
23   ment Act of 1999 (113 Stat. 324), is modified—

24               (1) to add ecosystem restoration and water sup-  
25   ply as project purposes to be studied; and

1           (2) to require the Secretary to credit toward the  
2       non-Federal share of the cost of the study the cost,  
3       not to exceed \$500,000, of work carried out by the  
4       non-Federal interest before the date of the partner-  
5       ship agreement for the project if the Secretary de-  
6       termines that the work is integral to the project.

7   **SEC. 4037. BALLARD’S ISLAND SIDE CHANNEL, ILLINOIS.**

8       The Secretary shall conduct a study to determine the  
9       feasibility of carrying out a project for ecosystem restora-  
10      tion, Ballard’s Island, Illinois.

11   **SEC. 4038. CHICAGO, ILLINOIS.**

12       Section 425(a) of the Water Resources Development  
13      Act of 2000 (114 Stat. 2638) is amended by inserting  
14      “Lake Michigan and” before “the Chicago River”.

15   **SEC. 4039. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, IL-**  
16                           **LINOIS.**

17       The Secretary shall conduct a study to determine the  
18       feasibility of carrying out a project for ecosystem restora-  
19       tion at the South Fork of the South Branch of the Chicago  
20       River, Chicago, Illinois.

21   **SEC. 4040. UTICA, ILLINOIS.**

22       The Secretary shall conduct a study to determine the  
23       feasibility of carrying out a project for flood damage re-  
24       duction in the vicinity of Utica, Illinois.



1 **SEC. 4041. LAKE AND PORTER COUNTIES, INDIANA.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for riverfront develop-  
4 ment, including enhanced public access, recreation, and  
5 environmental restoration along Lake Michigan, Ham-  
6 mond, Whiting, East Chicago, Gary, and Portage, Indi-  
7 ana.

8 **SEC. 4042. SALEM, INDIANA.**

9       The Secreatry shall conduct a study to determine the  
10 feasibility of carrying out a project to provide an addi-  
11 tional water supply source for Salem, Indiana.

12 **SEC. 4043. BUCKHORN LAKE, KENTUCKY.**

13       (a) IN GENERAL.—The Secretary shall conduct a  
14 study to determine the feasibility of modifying the project  
15 for flood damage reduction, Buckhorn Lake, Kentucky,  
16 authorized by section 2 of the Flood Control Act of June  
17 28, 1938 (52 Stat. 1217), to add ecosystem restoration,  
18 recreation, and improved access as project purposes, in-  
19 cluding permanently raising the winter pool elevation of  
20 the project.

21       (b) IN-KIND CONTRIBUTIONS.—The non-Federal in-  
22 terest may provide the non-Federal share of the cost of  
23 the study in the form of in-kind services and materials.

1 **SEC. 4044. DEWEY LAKE, KENTUCKY.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of modifying the project for Dewey Lake, Ken-  
4 tucky, to add water supply as a project purpose.

5 **SEC. 4045. LOUISVILLE, KENTUCKY.**

6       The Secretary shall conduct a study of the project  
7 for flood control, Louisville, Kentucky, authorized by sec-  
8 tion 4 of the Flood Control Act of June 28, 1938 (52 Stat.  
9 1217), to investigate measures to address the rehabilita-  
10 tion of the project.

11 **SEC. 4046. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

12       The Secretary shall conduct a study to determine the  
13 feasibility of carrying out a project for water supply,  
14 Bastrop-Morehouse Parish, Louisiana.

15 **SEC. 4047. OFFSHORE OIL AND GAS FABRICATION PORTS,**  
16 **LOUISIANA.**

17       (a) BENEFITS.—In conducting a feasibility study for  
18 each of the following projects for navigation, the Secretary  
19 shall include in the calculation of national economic devel-  
20 opment benefits all economic benefits associated with con-  
21 tracts for new energy exploration and contracts for the  
22 fabrication of energy infrastructure that would result from  
23 carrying out the project:

24               (1) Atchafalaya River, Bayous Chene, Boeuf,  
25       and Black, Louisiana, being conducted under section

1       430 of the Water Resources Development Act of  
2       2000 (114 Stat. 2639).

3           (2) Iberia Port, Louisiana, being conducted  
4       under section 431 of the Water Resources Develop-  
5       ment Act of 2000 (114 Stat. 2639).

6       (b) REPEAL.—Section 6009 of the Emergency Sup-  
7       plemental Appropriations Act for Defense, the Global War  
8       on Terror, and Tsunami Relief, 2005 (Public Law 109–  
9       13; 119 Stat. 282) is repealed.

10   **SEC. 4048. VERMILION RIVER, LOUISIANA.**

11       The Secretary shall conduct a study to determine the  
12       feasibility of carrying out a project for navigation on the  
13       Vermilion River, Louisiana, from the intersection of the  
14       Vermilion River and the Gulf Intracoastal Waterway to  
15       the industrial area north of the Vermilion River.

16   **SEC. 4049. WEST FELICIANA PARISH, LOUISIANA.**

17       The Secretary shall conduct a study to determine the  
18       feasibility of carrying out a project for riverfront develop-  
19       ment, including enhanced public access, recreation, and  
20       environmental restoration, on the Mississippi River in  
21       West Feliciana Parish, Louisiana.

22   **SEC. 4050. PATAPSCO RIVER, MARYLAND.**

23       The Secretary shall conduct a study to determine and  
24       assess the impact of debris in the Patapsco River basin,  
25       Maryland, on wetlands, water quality, and public health

1 and to identify management measures to reduce the inflow  
2 of debris into the Patapsco River.

3 **SEC. 4051. FALL RIVER HARBOR, MASSACHUSETTS AND**  
4 **RHODE ISLAND.**

5 The Secretary shall conduct a study to determine the  
6 feasibility of deepening that portion of the navigation  
7 channel of the navigation project for Fall River Harbor,  
8 Massachusetts and Rhode Island, authorized by section  
9 101 of the River and Harbor Act of 1968 (82 Stat. 731),  
10 seaward of the Charles M. Braga, Jr. Memorial Bridge,  
11 Fall River and Somerset, Massachusetts.

12 **SEC. 4052. HAMBURG AND GREEN OAK TOWNSHIPS, MICH-**  
13 **IGAN.**

14 The Secretary shall conduct a study to determine the  
15 feasibility of carrying out a project for flood damage re-  
16 duction on Ore Lake and the Huron River for Hamburg  
17 and Green Oak Townships, Michigan.

18 **SEC. 4053. ST. CLAIR RIVER, MICHIGAN.**

19 (a) IN GENERAL.—The Secretary shall carry out a  
20 study of the relationships among dredging of the St. Clair  
21 River for navigation, erosion in the river, and declining  
22 water levels in the river and in Lake Michigan and Lake  
23 Huron.

1 (b) RECOMMENDATIONS.—The report on the results  
2 of the study may include recommendations to address  
3 water level declines in Lake Michigan and Lake Huron.

4 **SEC. 4054. DULUTH-SUPERIOR HARBOR, MINNESOTA AND**  
5 **WISCONSIN.**

6 (a) IN GENERAL.—The Secretary shall conduct a  
7 study and prepare a report to evaluate the integrity of  
8 the bulkhead system located on and in the vicinity of Du-  
9 luth-Superior Harbor, Duluth, Minnesota, and Superior,  
10 Wisconsin.

11 (b) CONTENTS.—The report shall include—

12 (1) a determination of causes of corrosion of  
13 the bulkhead system;

14 (2) recommendations to reduce corrosion of the  
15 bulkhead system;

16 (3) a description of the necessary repairs to the  
17 bulkhead system; and

18 (4) an estimate of the cost of addressing the  
19 causes of the corrosion and carrying out necessary  
20 repairs.

21 **SEC. 4055. WILD RICE RIVER, MINNESOTA.**

22 The Secretary shall review the project for flood pro-  
23 tection and other purposes on Wild Rice River, Minnesota,  
24 authorized by section 201 of the Flood Control Act of

1 1970 (84 Stat. 1825), to develop alternatives to the Twin  
2 Valley Lake feature.

3 **SEC. 4056. MISSISSIPPI COASTAL AREA, MISSISSIPPI.**

4       The Secretary shall conduct a study to determine the  
5 feasibility of making improvements or modifications to ex-  
6 isting improvements in the coastal area of Mississippi in  
7 the interest of hurricane and storm damage reduction,  
8 prevention of saltwater intrusion, preservation of fish and  
9 wildlife, prevention of erosion, and other related water re-  
10 source purposes.

11 **SEC. 4057. NORTHEAST MISSISSIPPI.**

12       The Secretary shall conduct a study to determine the  
13 feasibility of modifying the project for navigation, Ten-  
14 nessee-Tombigbee Waterway, Alabama and Mississippi, to  
15 provide water supply for northeast Mississippi.

16 **SEC. 4058. ST. LOUIS, MISSOURI.**

17       The Secretary shall conduct a study to determine the  
18 feasibility of carrying out a project for flood damage re-  
19 duction, St. Louis, Missouri, to restore or rehabilitate the  
20 levee system feature of the project for flood protection,  
21 St. Louis, Missouri, authorized by the first section of the  
22 Act entitled “An Act authorizing construction of certain  
23 public works on the Mississippi River for the protection  
24 of Saint Louis, Missouri”, approved August 9, 1955 (69  
25 Stat. 540).

1   **SEC. 4059. DREDGED MATERIAL DISPOSAL, NEW JERSEY.**

2           The Secretary shall conduct a study to determine the  
3   feasibility of carrying out a project in the vicinity of the  
4   Atlantic Intracoastal Waterway, New Jersey, for the con-  
5   struction of a dredged material disposal transfer facility  
6   to make dredged material available for beneficial reuse.

7   **SEC. 4060. BAYONNE, NEW JERSEY.**

8           The Secretary shall conduct a study to determine the  
9   feasibility of carrying out a project for environmental res-  
10   toration, including improved water quality, enhanced pub-  
11   lic access, and recreation, on the Kill Van Kull, Bayonne,  
12   New Jersey.

13   **SEC. 4061. CARTERET, NEW JERSEY.**

14           The Secretary shall conduct a study to determine the  
15   feasibility of carrying out a project for environmental res-  
16   toration, including improved water quality, enhanced pub-  
17   lic access, and recreation, on the Raritan River, Carteret,  
18   New Jersey.

19   **SEC. 4062. ELIZABETH RIVER, ELIZABETH, NEW JERSEY.**

20           The Secretary shall conduct a study to determine the  
21   feasibility of carrying out ecosystem restoration improve-  
22   ments in the Elizabeth River watershed, Elizabeth, New  
23   Jersey.

24   **SEC. 4063. GLOUCESTER COUNTY, NEW JERSEY.**

25           The Secretary shall conduct a study to determine the  
26   feasibility of carrying out a project for flood damage re-

1 duction, Gloucester, New Jersey, including the feasibility  
2 of restoring the flood protection dikes in Gibbstown, New  
3 Jersey, and the associated tidegates in Gloucester, New  
4 Jersey.

5 **SEC. 4064. PERTH AMBOY, NEW JERSEY.**

6 The Secretary shall conduct a study to determine the  
7 feasibility of carrying out a project for riverfront develop-  
8 ment, including enhanced public access, recreation, and  
9 environmental restoration, on the Arthur Kill, Perth  
10 Amboy, New Jersey.

11 **SEC. 4065. WRECK POND, MONMOUTH COUNTY, NEW JER-**  
12 **SEY.**

13 The Secretary shall conduct a study to determine the  
14 feasibility of carrying out a project for environmental res-  
15 toration at Wreck Pond, New Jersey, including Black  
16 Creek and associated waters.

17 **SEC. 4066. BATAVIA, NEW YORK.**

18 The Secretary shall conduct a study to determine the  
19 feasibility of carrying out a project for hydropower and  
20 related purposes in the vicinity of Batavia, New York.

21 **SEC. 4067. BIG SISTER CREEK, EVANS, NEW YORK.**

22 (a) IN GENERAL.—The Secretary shall conduct a  
23 study to determine the feasibility of carrying out a project  
24 for flood damage reduction, Big Sister Creek, Evans, New  
25 York.



1 (b) EVALUATION OF POTENTIAL SOLUTIONS.—In  
2 conducting the study, the Secretary shall evaluate poten-  
3 tial solutions to flooding from all sources, including flood-  
4 ing that results from ice jams.

5 **SEC. 4068. EAST CHESTER BAY, TURTLE COVE, NEW YORK.**

6 The Secretary shall conduct a study to determine the  
7 feasibility of carrying out a project for navigation, East  
8 Chester Creek, Chester Bay, Turtle Cove, New York.

9 **SEC. 4069. FINGER LAKES, NEW YORK.**

10 The Secretary shall conduct a study to determine the  
11 feasibility of carrying out a project for aquatic ecosystem  
12 restoration and protection, Finger Lakes, New York, to  
13 address water quality and invasive species.

14 **SEC. 4070. HUDSON-RARITAN ESTUARY, NEW YORK AND**  
15 **NEW JERSEY.**

16 In conducting the study for environmental restora-  
17 tion, Hudson-Raritan Estuary, New York and New Jer-  
18 sey, the Secretary shall establish and utilize watershed res-  
19 toration teams composed of estuary restoration experts  
20 from the Corps of Engineers, the New Jersey Department  
21 of Environmental Protection, and the Port Authority of  
22 New York and New Jersey and other experts designated  
23 by the Secretary for the purpose of developing habitat res-  
24 toration and water quality enhancement.

1 **SEC. 4071. LAKE ERIE SHORELINE, BUFFALO, NEW YORK.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for storm damage re-  
4 duction and shoreline protection in the vicinity of Galla-  
5 gher Beach, Lake Erie Shoreline, Buffalo, New York.

6 **SEC. 4072. NEWTOWN CREEK, NEW YORK.**

7       The Secretary shall conduct a study to determine the  
8 feasibility of carrying out ecosystem restoration improve-  
9 ments on Newtown Creek, Brooklyn and Queens, New  
10 York.

11 **SEC. 4073. NIAGARA RIVER, NEW YORK.**

12       The Secretary shall conduct a study to determine the  
13 feasibility of carrying out a project for a low-head hydro-  
14 electric generating facility in the Niagara River, New  
15 York.

16 **SEC. 4074. SHORE PARKWAY GREENWAY, BROOKLYN, NEW**  
17 **YORK.**

18       The Secretary shall conduct a study of the feasibility  
19 of carrying out a project for shoreline protection in the  
20 vicinity of the confluence of the Narrows and Gravesend  
21 Bay, Upper New York Bay, Shore Parkway Greenway,  
22 Brooklyn, New York.

23 **SEC. 4075. UPPER DELAWARE RIVER WATERSHED, NEW**  
24 **YORK.**

25       Notwithstanding section 221(b) of the Flood Control  
26 Act of 1970 (42 U.S.C. 1962d–5b(b)) and with the con-

1 sent of the affected local government, a nonprofit organi-  
2 zation may serve as the non-Federal interest for a study  
3 for the Upper Delaware River watershed, New York, being  
4 carried out under Committee Resolution 2495 of the Com-  
5 mittee on Transportation and Infrastructure of the House  
6 of Representatives, adopted May 9, 1996.

7 **SEC. 4076. LINCOLN COUNTY, NORTH CAROLINA.**

8       The Secretary shall conduct a study of existing water  
9 and water quality-related infrastructure in Lincoln Coun-  
10 ty, North Carolina, to assist local interests in determining  
11 the most efficient and effective way to connect county in-  
12 frastructure.

13 **SEC. 4077. WILKES COUNTY, NORTH CAROLINA.**

14       The Secretary shall conduct a study to determine the  
15 feasibility of carrying out a project for water supply,  
16 Wilkes County, North Carolina.

17 **SEC. 4078. YADKINVILLE, NORTH CAROLINA.**

18       The Secretary shall conduct a study to determine the  
19 feasibility of carrying out a project for water supply,  
20 Yadkinville, North Carolina.

21 **SEC. 4079. CINCINNATI, OHIO.**

22       (a) IN GENERAL.—The Secretary shall conduct a  
23 study to determine the feasibility of carrying out a project  
24 for ecosystem restoration and recreation on the Ohio  
25 River, Cincinnati, Ohio.

1       (b) DESIGN.—While conducting the study, the Sec-  
2       retary may continue to carry out design work for the  
3       project as authorized by section 118 of division H of the  
4       Consolidated Appropriations Act, 2004 (118 Stat. 439).

5       (c) EXISTING PLANS.—In conducting the study, the  
6       Secretary shall review the Central Riverfront Park Master  
7       Plan, dated December 1999, and incorporate any compo-  
8       nents of the plan that the Secretary determines are con-  
9       sistent with Federal standards.

10      (d) CREDIT.—

11           (1) IN GENERAL.—The Secretary shall credit  
12       toward the non-Federal share of the cost of any  
13       project authorized by law as a result of the study  
14       the cost of work carried out by the non-Federal in-  
15       terest before the date of the partnership agreement  
16       for the project if the Secretary determines that the  
17       work is integral to the project.

18           (2) LIMITATION.—In no case may work that  
19       was carried out more than 5 years before the date  
20       of enactment of this Act be eligible for credit under  
21       this subsection.

22   **SEC. 4080. EUCLID, OHIO.**

23       The Secretary shall conduct a study to determine the  
24       feasibility of carrying out a project for navigation, eco-

1 system restoration, and recreation on Lake Erie, in the  
2 vicinity of the Euclid Lakefront, Euclid, Ohio.

3 **SEC. 4081. LAKE ERIE, OHIO.**

4 The Secretary shall conduct a study to determine the  
5 feasibility of carrying out projects for power generation  
6 at confined disposal facilities along Lake Erie, Ohio.

7 **SEC. 4082. OHIO RIVER, OHIO.**

8 The Secretary shall conduct a study to determine the  
9 feasibility of carrying out projects for flood damage reduc-  
10 tion on the Ohio River in Mahoning, Columbiana, Jeffer-  
11 son, Belmont, Noble, Monroe, Washington, Athens, Meigs,  
12 Gallia, Lawrence, and Scioto Counties, Ohio.

13 **SEC. 4083. SUTHERLIN, OREGON.**

14 (a) STUDY.—The Secretary shall conduct a study of  
15 water resources along Sutherlin Creek in the vicinity of  
16 Sutherlin, Oregon, to determine the feasibility of carrying  
17 out a project to restore and enhance aquatic resources  
18 using a combination of structural and bioengineering tech-  
19 niques and, if the Secretary determines that the project  
20 is feasible, the Secretary may carry out the project.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$2,500,000.

1 **SEC. 4084. TILLAMOOK BAY AND BAR, OREGON.**

2       The Secretary shall conduct a study of the project  
3 for navigation, Tillamook Bay and Bar, Oregon, author-  
4 ized by the first section of the River and Harbor Appro-  
5 priations Act of July 25, 1912 (37 Stat. 220), to inves-  
6 tigate measures to address dangerous and hazardous wave  
7 and ocean conditions.

8 **SEC. 4085. ECOSYSTEM RESTORATION AND FISH PASSAGE**  
9 **IMPROVEMENTS, OREGON.**

10       (a) STUDY.—The Secretary shall conduct a study to  
11 determine the feasibility of undertaking ecosystem restora-  
12 tion and fish passage improvements on rivers throughout  
13 the State of Oregon.

14       (b) REQUIREMENTS.—In carrying out the study, the  
15 Secretary shall—

16           (1) work in coordination with the State of Or-  
17 egon, local governments, and other Federal agencies;  
18 and

19           (2) place emphasis on—

20               (A) fish passage and conservation and res-  
21 toration strategies to benefit species that are  
22 listed or proposed for listing as threatened or  
23 endangered species under the Endangered Spe-  
24 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

25               (B) other watershed restoration objectives.

26       (c) PILOT PROGRAM.—

1           (1) IN GENERAL.—In conjunction with con-  
2     ducting the study under subsection (a), the Sec-  
3     retary may carry out pilot projects to demonstrate  
4     the effectiveness of ecosystem restoration and fish  
5     passages.

6           (2) AUTHORIZATION OF APPROPRIATIONS.—  
7     There is authorized to be appropriated \$5,000,000  
8     to carry out this subsection.

9     **SEC. 4086. WALLA WALLA RIVER BASIN, OREGON.**

10     In conducting the study of determine the feasibility  
11    of carrying out a project for ecosystem restoration, Walla  
12    Walla River Basin, Oregon, the Secretary shall—

13           (1) credit toward the non-Federal share of the  
14     cost of the study the cost of work carried out by the  
15     non-Federal interest before the date of the partner-  
16     ship agreement for the project if the Secretary de-  
17     termines that the work is integral to the project; and

18           (2) allow the non-Federal interest to provide  
19     the non-Federal share of the cost of the study in the  
20     form of in-kind services and materials.

21     **SEC. 4087. CHARTIERS CREEK WATERSHED, PENNSYL-**  
22                           **VANIA.**

23     The Secretary shall conduct a study to determine the  
24    feasibility of carrying out a project for flood damage re-  
25    duction, Chartiers Creek watershed, Pennsylvania.

1 **SEC. 4088. KINZUA DAM AND ALLEGHENY RESERVOIR,**  
2 **PENNSYLVANIA.**

3       The Secretary shall conduct a study of the project  
4 for flood control, Kinzua Dam and Allegheny Reservoir,  
5 Warren, Pennsylvania, authorized by section 5 of the  
6 Flood Control Act of June 22, 1936 (49 Stat. 1570), and  
7 modified by section 2 of the Flood Control Act of June  
8 28, 1938 (52 Stat. 1215), section 2 of the Flood Control  
9 Act of August 18, 1941 (55 Stat. 646), and section 4 of  
10 the Flood Control Act of December 22, 1944 (58 Stat.  
11 887), to review operations of and identify modifications  
12 to the project to expand recreational opportunities.

13 **SEC. 4089. NORTH CENTRAL PENNSYLVANIA.**

14       The Secretary shall conduct a study to determine the  
15 feasibility of carrying out project for aquatic ecosystem  
16 restoration and protection in Warren, McKean, Potter,  
17 Tioga, Lycoming, Centre, Cameron, Elk, Clearfield, Jef-  
18 ferson, Clarion, Venango, Forest, Clinton, Crawford, and  
19 Mifflin Counties, Pennsylvania, particularly as related to  
20 abandoned mine drainage abatement and reestablishment  
21 of stream and river channels.

22 **SEC. 4090. NORTHAMPTON AND LEHIGH COUNTIES**  
23 **STREAMS, PENNSYLVANIA.**

24       The Secretary shall conduct a study to determine the  
25 feasibility of carrying out a project for ecosystem restora-  
26 tion, floodplain management, flood damage reduction,



1 water quality control, and watershed management, for the  
2 streams of Northampton and Lehigh Counties, Pennsyl-  
3 vania.

4 **SEC. 4091. WESTERN PENNSYLVANIA FLOOD DAMAGE RE-**  
5 **DUCTION.**

6 (a) IN GENERAL.—The Secretary shall conduct a  
7 study of structural and nonstructural flood damage reduc-  
8 tion, stream bank protection, storm water management,  
9 channel clearing and modification, and watershed coordi-  
10 nation measures in the Mahoning River basin, Pennsyl-  
11 vania, the Allegheny River basin, Pennsylvania, and the  
12 Upper Ohio River basin, Pennsylvania, to provide a level  
13 of flood protection sufficient to prevent future losses to  
14 communities located in such basins from flooding such as  
15 occurred in September 2004, but not less than a 100-year  
16 level of flood protection.

17 (b) PRIORITY COMMUNITIES.—In carrying out this  
18 section, the Secretary shall give priority to the following  
19 Pennsylvania communities: Marshall Township, Ross  
20 Township, Shaler Township, Jackson Township, Har-  
21 mony, Zelienople, Darlington Township, Houston Bor-  
22 ough, Chartiers Township, Washington, Canton Town-  
23 ship, Tarentum Borough, and East Deer Township.

1 **SEC. 4092. WILLIAMSPORT, PENNSYLVANIA.**

2       The Secretary shall conduct a study of the project  
3 for flood control, Williamsport, Pennsylvania, authorized  
4 by section 5 of the Flood Control Act of June 22, 1936  
5 (49 Stat. 1570), to investigate measures to rehabilitate  
6 the project.

7 **SEC. 4093. YARDLEY BOROUGH, PENNSYLVANIA.**

8       The Secretary shall conduct a study to determine the  
9 feasibility of carrying out a project for flood damage re-  
10 duction, at Yardley Borough, Pennsylvania, including the  
11 alternative of raising River Road.

12 **SEC. 4094. RIO VALENCIANO, JUNCOS, PUERTO RICO.**

13       (a) IN GENERAL.—The Secretary shall conduct a  
14 study to reevaluate the project for flood damage reduction  
15 and water supply, Rio Valenciano, Juncos, Puerto Rico,  
16 authorized by section 209 of the Flood Control Act of  
17 1962 (76 Stat. 1197) and section 204 of the Flood Con-  
18 trol Act of 1970 (84 Stat. 1828), to determine the feasi-  
19 bility of carrying out the project.

20       (b) CREDIT.—The Secretary shall credit toward the  
21 non-Federal share of the cost of the study the cost of work  
22 carried out by the non-Federal interest before the date of  
23 the partnership agreement for the project if the Secretary  
24 determines that the work is integral to the project.

1 **SEC. 4095. CROOKED CREEK, BENNETTSVILLE, SOUTH**  
2 **CAROLINA.**

3 The Secretary shall conduct a study to determine the  
4 feasibility of carrying out a project for water supply,  
5 Crooked Creek, Bennettsville, South Carolina.

6 **SEC. 4096. BROAD RIVER, YORK COUNTY, SOUTH CAROLINA.**

7 The Secretary shall conduct a study to determine the  
8 feasibility of carrying out a project for water supply,  
9 Broad River, York County, South Carolina.

10 **SEC. 4097. GEORGETOWN AND WILLIAMSBURG COUNTIES,**  
11 **SOUTH CAROLINA.**

12 The Secretary shall conduct a study to determine the  
13 feasibility of carrying out a project for water supply for  
14 Georgetown and Williamsburg Counties, South Carolina,  
15 including the viability and practicality of constructing a  
16 desalinization water treatment facility to meet such water  
17 supply needs.

18 **SEC. 4098. CHATTANOOGA, TENNESSEE.**

19 The Secretary shall conduct a study to determine the  
20 feasibility of carrying out a project for flood damage re-  
21 duction, Chattanooga Creek, Dobbs Branch, Chattanooga,  
22 Tennessee.

23 **SEC. 4099. CLEVELAND, TENNESSEE.**

24 The Secretary shall conduct a study to determine the  
25 feasibility of carrying out a project for flood damage re-  
26 duction, Cleveland, Tennessee.

1 **SEC. 4100. CUMBERLAND RIVER, NASHVILLE, TENNESSEE.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for recreation on, river-  
4 bank protection for, and environmental protection of, the  
5 Cumberland River and riparian habitats in the city of  
6 Nashville and Davidson County, Tennessee.

7 **SEC. 4101. LEWIS, LAWRENCE, AND WAYNE COUNTIES, TEN-**  
8 **NESSEE.**

9       The Secretary shall conduct a study to determine the  
10 feasibility of carrying out a project for water supply for  
11 Lewis, Lawrence, and Wayne Counties, Tennessee.

12 **SEC. 4102. WOLF RIVER AND NONCONNAH CREEK, MEM-**  
13 **PHIS TENNESSEE.**

14       The Secretary shall conduct a study to determine the  
15 feasibility of carrying out a project for flood damage re-  
16 duction along Wolf River and Nonconnah Creek, in the  
17 vicinity of Memphis, Tennessee, to include the repair, re-  
18 placement, rehabilitation, and restoration of the following  
19 pumping stations: Cypress Creek, Nonconnah Creek,  
20 Ensley, Marble Bayou, and Bayou Gayoso.

21 **SEC. 4103. ABILENE, TEXAS.**

22       The Secretary shall conduct a study to determine the  
23 feasibility of carrying out a project for water supply, Abi-  
24 lene, Texas.

1   **SEC. 4104. COASTAL TEXAS ECOSYSTEM PROTECTION AND**  
2                   **RESTORATION, TEXAS.**

3           (a) IN GENERAL.—The Secretary shall develop a  
4   comprehensive plan to determine the feasibility of carrying  
5   out projects for flood damage reduction, hurricane and  
6   storm damage reduction, and ecosystem restoration in the  
7   coastal areas of the State of Texas.

8           (b) SCOPE.—The comprehensive plan shall provide  
9   for the protection, conservation, and restoration of wet-  
10   lands, barrier islands, shorelines, and related lands and  
11   features that protect critical resources, habitat, and infra-  
12   structure from the impacts of coastal storms, hurricanes,  
13   erosion, and subsidence.

14          (c) DEFINITION.—For purposes of this section, the  
15   term “coastal areas in the State of Texas” means the  
16   coastal areas of the State of Texas from the Sabine River  
17   on the east to the Rio Grande River on the west and in-  
18   cludes tidal waters, barrier islands, marches, coastal wet-  
19   lands, rivers and streams, and adjacent areas.

20   **SEC. 4105. FORT BEND COUNTY, TEXAS.**

21          The Secretary shall conduct a study to determine the  
22   feasibility of carrying out a project for flood damage re-  
23   duction, Fort Bend County, Texas.

1 **SEC. 4106. HARRIS COUNTY, TEXAS.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction, Harris County, Texas.

5 **SEC. 4107. JOHNSON CREEK, ARLINGTON, TEXAS.**

6       (a) REEVALUATION OF ENVIRONMENTAL RESTORA-  
7 TION FEATURES.—The Secretary shall reevaluate the  
8 project for flood damage reduction, environmental restora-  
9 tion, and recreation, authorized by section 101(b)(14) of  
10 the Water Resources Development Act of 1999 (113 Stat.  
11 280), to develop alternatives to the separable environ-  
12 mental restoration element of the project.

13       (b) STUDY OF ADDITIONAL FLOOD DAMAGE REDUC-  
14 TION MEASURES.—The Secretary shall conduct a study  
15 to determine the feasibility of additional flood damage re-  
16 duction measures and erosion control measures within the  
17 boundaries of the project referred to in subsection (a).

18       (c) PLANS AND DESIGNS.—In conducting the studies  
19 referred to in subsections (a) and (b), the Secretary shall  
20 review plans and designs developed by non-Federal inter-  
21 ests and shall use such plans and designs to the extent  
22 that the Secretary determines that such plans and designs  
23 are consistent with Federal standards.

24       (d) CREDIT TOWARD FEDERAL SHARE.—If an alter-  
25 native environmental restoration element is authorized by  
26 law, the Secretary shall credit toward the Federal share

1 of the cost of that project the costs incurred by the Sec-  
2 retary to carry out the separable environmental restora-  
3 tion element of the project referred to in subsection (a).  
4 The non-Federal interest shall not be responsible for reim-  
5 bursing the Secretary for any amount credited under this  
6 subsection.

7 (e) CREDIT TOWARD THE NON-FEDERAL SHARE.—  
8 The Secretary shall credit toward the non-Federal share  
9 of the cost of the studies under subsections (a) and (b),  
10 and the cost of any project carried out as a result of such  
11 studies the cost of work carried out by the non-Federal  
12 interest.

13 **SEC. 4108. PORT OF GALVESTON, TEXAS.**

14 The Secretary shall conduct a study of the feasibility  
15 of carrying out a project for dredged material disposal in  
16 the vicinity of the project for navigation and environ-  
17 mental restoration, Houston-Galveston Navigation Chan-  
18 nels, Texas, authorized by section 101(a)(30) of the Water  
19 Resources Development Act of 1996 (110 Stat. 3666).

20 **SEC. 4109. ROMA CREEK, TEXAS.**

21 The Secretary shall conduct a study to determine the  
22 feasibility of carrying out a project for flood damage re-  
23 duction, Roma Creek, Texas.

1 **SEC. 4110. WALNUT CREEK, TEXAS.**

2       The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction, environmental restoration, and erosion control,  
5 Walnut Creek, Texas.

6 **SEC. 4111. GRAND COUNTY AND MOAB, UTAH.**

7       The Secretary shall conduct a study to determine the  
8 feasibility of carrying out a project for water supply for  
9 Grand County and the city of Moab, Utah, including a  
10 review of the impact of current and future demands on  
11 the Spanish Valley Aquifer.

12 **SEC. 4112. SOUTHWESTERN UTAH.**

13       The Secretary shall conduct a study to determine the  
14 feasibility of carrying out a project for flood damage re-  
15 duction, Santa Clara River, Washington, Iron, and Kane  
16 Counties, Utah.

17 **SEC. 4113. CHOWAN RIVER BASIN, VIRGINIA AND NORTH**  
18 **CAROLINA.**

19       The Secretary shall conduct a study to determine the  
20 feasibility of carrying out a project for flood damage re-  
21 duction, environmental restoration, navigation, and ero-  
22 sion control, Chowan River basin, Virginia and North  
23 Carolina.

24 **SEC. 4114. JAMES RIVER, RICHMOND, VIRGINIA.**

25       The Secretary shall conduct a study to determine the  
26 feasibility of carrying out a project for flood damage re-



1 duction for the James River in the vicinity of Richmond,  
2 Virginia, including the Shockoe Bottom area.

3 **SEC. 4115. ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON.**

4 (a) IN GENERAL.—The study for rehabilitation of the  
5 Elliott Bay Seawall, Seattle, Washington, being carried  
6 out under Committee Resolution 2704 of the Committee  
7 on Transportation and Infrastructure of the House of  
8 Representatives adopted September 25, 2002, is modified  
9 to include a determination of the feasibility of reducing  
10 future damage to the seawall from seismic activity.

11 (b) ACCEPTANCE OF CONTRIBUTIONS.—In carrying  
12 out the study, the Secretary may accept contributions in  
13 excess of the non-Federal share of the cost of the study  
14 from the non-Federal interest to the extent that the Sec-  
15 retary determines that the contributions will facilitate  
16 completion of the study.

17 (c) CREDIT.—The Secretary shall credit toward the  
18 non-Federal share of the cost of any project authorized  
19 by law as a result of the study the value of contributions  
20 accepted by the Secretary under subsection (b).

21 **SEC. 4116. MONONGAHELA RIVER BASIN, NORTHERN WEST**  
22 **VIRGINIA.**

23 The Secretary shall conduct a study to determine the  
24 feasibility of carrying out aquatic ecosystem restoration  
25 and protection projects in the watersheds of the

1 Monongahela River Basin lying within the counties of  
2 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,  
3 Doddridge, Monongalia, Marion, Harrison, Taylor,  
4 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,  
5 Brooke, and Ritchie, West Virginia, particularly as re-  
6 lated to abandoned mine drainage abatement.

7 **SEC. 4117. KENOSHA HARBOR, WISCONSIN.**

8       The Secretary shall conduct a study to determine the  
9 feasibility of carrying out a project for navigation, Ken-  
10 sha Harbor, Wisconsin, including the extension of existing  
11 piers.

12 **SEC. 4118. WAUWATOSA, WISCONSIN.**

13       The Secretary shall conduct a study to determine the  
14 feasibility of carrying out a project for flood damage re-  
15 duction and environmental restoration, Menomonee River  
16 and Underwood Creek, Wauwatosa, Wisconsin, and great-  
17 er Milwaukee watersheds, Wisconsin.

18       **TITLE V—MISCELLANEOUS**  
19       **PROVISIONS**

20 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

21       (a) IN GENERAL.—Upon request of a non-Federal in-  
22 terest, the Secretary shall be responsible for maintenance  
23 of the following navigation channels and breakwaters con-  
24 structed or improved by the non-Federal interest if the  
25 Secretary determines that such maintenance is economi-

1 cally justified and environmentally acceptable and that the  
2 channel or breakwater was constructed in accordance with  
3 applicable permits and appropriate engineering and design  
4 standards:

5 (1) Manatee Harbor basin, Florida.

6 (2) Bayou LaFourche Channel, Port Fourchon,  
7 Louisiana.

8 (3) Calcasieu River at Devil's Elbow, Louisiana.

9 (4) Pidgeon Industrial Harbor, Pidgeon Indus-  
10 trial Park, Memphis Harbor, Tennessee.

11 (5) Pix Bayou Navigation Channel, Chambers  
12 County, Texas.

13 (6) Racine Harbor, Wisconsin.

14 (b) COMPLETION OF ASSESSMENT.—Not later than  
15 6 months after the date of receipt of a request from a  
16 non-Federal interest for Federal assumption of mainte-  
17 nance of a channel listed in subsection (a), the Secretary  
18 shall make a determination as provided in subsection (a)  
19 and advise the non-Federal interest of the Secretary's de-  
20 termination.

21 **SEC. 5002. WATERSHED MANAGEMENT.**

22 (a) IN GENERAL.—The Secretary may provide tech-  
23 nical, planning, and design assistance to non-Federal in-  
24 terests for carrying out watershed management, restora-

1 tion, and development projects at the locations described  
2 in subsection (d).

3 (b) SPECIFIC MEASURES.—Assistance provided  
4 under subsection (a) may be in support of non-Federal  
5 projects for the following purposes:

6 (1) Management and restoration of water qual-  
7 ity.

8 (2) Control and remediation of toxic sediments.

9 (3) Restoration of degraded streams, rivers,  
10 wetlands, and other waterbodies to their natural  
11 condition as a means to control flooding, excessive  
12 erosion, and sedimentation.

13 (4) Protection and restoration of watersheds,  
14 including urban watersheds.

15 (5) Demonstration of technologies for non-  
16 structural measures to reduce destructive impacts of  
17 flooding.

18 (c) NON-FEDERAL SHARE.—The non-Federal share  
19 of the cost of assistance provided under subsection (a)  
20 shall be 50 percent.

21 (d) PROJECT LOCATIONS.—The locations referred to  
22 in subsection (a) are the following:

23 (1) Charlotte Harbor watershed, Florida.

24 (2) Big Creek watershed, Roswell, Georgia.

1           (3) Those portions of the watersheds of the  
2       Chattahoochee, Etowah, Flint, Ocmulgee, and  
3       Oconee Rivers lying within the counties of Bartow,  
4       Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,  
5       Fayette, Fulton, Forsyth, Gwinnett, Hall, Henry,  
6       Paulding, Rockdale, and Walton, Georgia.

7           (4) Kinkaid Lake, Jackson County, Illinois.

8           (5) Amite River basin, Louisiana.

9           (6) East Atchafalaya River basin, Iberville Par-  
10      ish and Pointe Coupee Parish, Louisiana.

11          (7) Red River watershed, Louisiana.

12          (8) Taunton River basin, Massachusetts.

13          (9) Lower Platte River watershed, Nebraska.

14          (10) Rio Grande watershed, New Mexico.

15          (11) Marlboro Township, New Jersey.

16          (12) Buffalo River watershed, New York.

17          (13) Cattaraugus Creek watershed, New York.

18          (14) Eighteenmile Creek watershed, Niagara  
19      County, New York.

20          (15) Esopus, Plattekill, and Rondout Creeks,  
21      Greene, Sullivan, and Ulster Counties, New York.

22          (16) Genesee River watershed, New York.

23          (17) Greenwood Lake watershed, New York  
24      and New Jersey.

25          (18) Long Island Sound watershed, New York.

1 (19) Oswego River basin, New York.

2 (20) Ramapo River watershed, New York.

3 (21) Tonawanda Creek watershed, New York.

4 (22) Tuscarawas River basin, Ohio.

5 (23) Western Lake Erie basin, Ohio.

6 (24) Those portions of the watersheds of the  
7 Beaver, Upper Ohio, Connoquenessing, Lower Alle-  
8 gheny, Kiskiminetas, Lower Monongahela,  
9 Youghiogheny, Shenango, and Mahoning Rivers  
10 lying within the counties of Beaver, Butler, Law-  
11 rence, and Mercer, Pennsylvania.

12 (25) Otter Creek watershed, Pennsylvania.

13 (26) Unami Creek watershed, Milford Town-  
14 ship, Pennsylvania.

15 (27) Sauk River basin, Washington.

16 (28) Greater Milwaukee watersheds, Wisconsin.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$15,000,000.

20 **SEC. 5003. DAM SAFETY.**

21 (a) ASSISTANCE.—The Secretary may provide assist-  
22 ance to enhance dam safety at the following locations:

23 (1) Fish Creek Dam, Blaine County, Idaho.

24 (2) Hamilton Dam, Saginaw River, Flint,  
25 Michigan.

1 (3) Candor Dam, Candor, New York.

2 (4) State Dam, Auburn, New York.

3 (5) Whaley Lake Dam, Pawling, New York.

4 (6) Ingham Spring Dam, Solebury Township,  
5 Pennsylvania.

6 (7) Leaser Lake Dam, Lehigh County, Pennsyl-  
7 vania.

8 (8) Stillwater Dam, Monroe County, Pennsyl-  
9 vania.

10 (9) Wissahickon Creek Dam, Montgomery  
11 County, Pennsylvania.

12 (b) SPECIAL RULE.—The assistance provided under  
13 subsection (a) for State Dam, Auburn, New York, shall  
14 be for a project for rehabilitation in accordance with the  
15 report on State Dam Rehabilitation, Owasco Lake Outlet,  
16 New York, dated March 1999, if the Secretary determines  
17 that the project is feasible.

18 (c) FERN RIDGE DAM, OREGON.—

19 (1) IN GENERAL.—The Secretary shall plan, de-  
20 sign, and complete emergency corrective actions to  
21 repair the embankment dam at the Fern Ridge Lake  
22 project, Oregon.

23 (2) TREATMENT.—The Secretary may treat  
24 work to be carried out under this subsection as a  
25 dam safety project, and the cost of the work may be

1 recovered in accordance with section 1203 of the  
2 Water Resources Development Act of 1986 (33  
3 U.S.C. 467n; 100 Stat. 4263).

4 (d) KEHLY RUN DAMS, PENNSYLVANIA.—Section  
5 504(a)(2) of the Water Resources Development Act of  
6 1999 (113 Stat. 338; 117 Stat. 1842) is amended by  
7 striking “Dams” and inserting “Dams No. 1–5”.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out subsection (a)  
10 \$6,000,000.

11 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

12 (a) IN GENERAL.—Upon request of a non-Federal in-  
13 terest, the Secretary shall evaluate the structural integrity  
14 and effectiveness of a project for flood damage reduction  
15 and, if the Secretary determines that the project does not  
16 meet such minimum standards as the Secretary may es-  
17 tablish and, absent action by the Secretary, the project  
18 will fail, the Secretary may take such action as may be  
19 necessary to restore the integrity and effectiveness of the  
20 project.

21 (b) PRIORITY.—The Secretary shall evaluate under  
22 subsection (a) the following projects:

23 (1) Project for flood damage reduction, Arkan-  
24 sas River Levees, Arkansas.



1           (2) Project for flood damage reduction,  
2       Nonconnah Creek, Tennessee.

3   **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

4       (a) IN GENERAL.—Section 212(e) of the Water Re-  
5   sources Development Act of 1999 (33 U.S.C. 2332(e); 114  
6   Stat. 2599) is amended—

7           (1) by striking “and” at the end of paragraphs  
8       (23) and (27);

9           (2) by striking the period at the end of para-  
10   graph (28) and inserting a semicolon; and

11          (3) by adding at the end the following:

12           “(29) Ascension Parish, Louisiana;

13           “(30) East Baton Rouge Parish, Louisiana;

14           “(31) Iberville Parish, Louisiana;

15           “(32) Livingston Parish, Louisiana; and

16           “(33) Pointe Coupee Parish, Louisiana.”.

17       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
18   212(i)(1) of such Act (33 U.S.C. 2332(i)(1)) is amended  
19   by striking “section—” and all that follows before the pe-  
20   riod at the end and inserting “section \$20,000,000”.

21   **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**  
22                           **PROJECTS.**

23       (a) IN GENERAL.—Section 219(e) of the Water Re-  
24   sources Development Act of 1992 (106 Stat. 4835; 110  
25   Stat. 3757; 113 Stat. 334) is amended—

1           (1) by striking “and” at the end of paragraph  
2       (7);

3           (2) by striking the period at the end of para-  
4       graph (8) and inserting a semicolon; and

5           (3) by adding at the end the following:

6           “(9) \$35,000,000 for the project described in  
7       subsection (c)(18);

8           “(10) \$27,000,000 for the project described in  
9       subsection (c)(19);

10          “(11) \$20,000,000 for the project described in  
11       subsection (c)(20);

12          “(12) \$35,000,000 for the project described in  
13       subsection (c)(23);

14          “(13) \$20,000,000 for the project described in  
15       subsection (c)(25);

16          “(14) \$20,000,000 for the project described in  
17       subsection (c)(26);

18          “(15) \$35,000,000 for the project described in  
19       subsection (c)(27);

20          “(16) \$20,000,000 for the project described in  
21       subsection (c)(28); and

22          “(17) \$30,000,000 for the project described in  
23       subsection (c)(40).”.

24       (b) EAST ARKANSAS ENTERPRISE COMMUNITY, AR-  
25       KANSAS.—Federal assistance made available under the

1 rural enterprise zone program of the Department of Agri-  
2 culture may be used toward payment of the non-Federal  
3 share of the costs of the project described in section  
4 219(c)(20) of the Water Resources Development Act of  
5 1992 (114 Stat. 2763A–219) if such assistance is author-  
6 ized to be used for such purposes.

7 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND**  
8 **CONSTRUCTION FOR CERTAIN PROJECTS.**

9 The Secretary shall expedite completion of the re-  
10 ports and, if the Secretary determines the project is fea-  
11 sible, shall expedite completion of construction for the fol-  
12 lowing projects:

13 (1) Fulmer Creek, Village of Mohawk, New  
14 York, being carried out under section 205 of the  
15 Flood Control Act of 1948 (33 U.S.C. 701s).

16 (2) Moyer Creek, Village of Frankfort, New  
17 York, being carried out under section 205 of the  
18 Flood Control Act of 1948 (33 U.S.C. 701s).

19 (3) Steele Creek, Village of Ilion, New York,  
20 being carried out under section 205 of the Flood  
21 Control Act of 1948 (33 U.S.C. 701s).

22 (4) Oriskany Wildlife Management Area, Rome,  
23 New York, being carried out under section 206 of  
24 the Water Resources Development Act of 1996 (33  
25 U.S.C. 2330).

1           (5) Whitney Point Lake, Otselic River, Whitney  
2           Point, New York, being carried out under section  
3           1135 of the Water Resources Development Act of  
4           1986 (33 U.S.C. 2309a).

5           (6) North River, Peabody, Massachusetts, being  
6           carried out under section 205 of the Flood Control  
7           Act of 1948 (33 U.S.C. 701s).

8           (7) Newton Creek, Bainbridge, New York,  
9           being carried out under section 14 of the Flood Con-  
10          trol Act of 1946 (33 U.S.C. 701r).

11          (8) Chenango Lake, Chenango County, New  
12          York, being carried out under section 206 of the  
13          Water Resources Development Act of 1996 (33  
14          U.S.C. 2330).

15 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**  
16 **TAIN PROJECTS.**

17          (a) IN GENERAL.—The Secretary shall expedite com-  
18          pletion of the reports for the following projects and, if the  
19          Secretary determines that a project is justified in the com-  
20          pleted report, proceed directly to project preconstruction,  
21          engineering, and design:

22               (1) Project for water supply, Little Red River,  
23               Arkansas.

24               (2) Project for shoreline stabilization at  
25               Egmont Key, Florida.

(4) Project for hurricane and storm damage reduction, Montauk Point, New York.

(b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—

In carrying out the project for shoreline stabilization at Egmont Key, Florida, referred to in subsection (a)(2), the Secretary shall waive any cost share to be provided by non-Federal interests for any portion of the project that benefits federally owned property.

(c) SPECIAL RULE FOR MONTAUK POINT, NEW YORK.—The Secretary shall complete the report for the project referred to in subsection (a)(4) not later than September 30, 2005, notwithstanding the ownership of the property to be protected.

16 SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-  
17 MENT.

(a) IN GENERAL.—The Secretary shall conduct, at Federal expense, an assessment of the water resources needs of the river basins and watersheds of the southeastern United States.

(b) COOPERATIVE AGREEMENTS.—In carrying out the assessment, the Secretary may enter into cooperative agreements with State and local agencies, non-Federal and nonprofit entities, and regional researchers.

1       (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$7,000,000 to carry out this  
3 section.

4 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**  
5 **MANAGEMENT PROGRAM.**

6       Section 1103(e)(7) of the Water Resources Develop-  
7 ment Act of 1986 (33 U.S.C. 652(e)(7)) is amended—

8           (1) by adding at the end of subparagraph (A)  
9       the following: “The non-Federal interest may pro-  
10      vide the non-Federal share of the cost of the project  
11      in the form of in-kind services and materials.”; and

12           (2) by inserting after subparagraph (B) the fol-  
13      lowing:

14      “(C) Notwithstanding section 221(b) of the Flood  
15 Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any  
16 project undertaken under this section, a non-Federal in-  
17 terest may include a nonprofit entity, with the consent of  
18 the affected local government.”.

19 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**  
20 **HANCEMENT PROJECT.**

21       Section 514(g) of the Water Resources Development  
22 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended  
23 by striking “and 2004” and inserting “through 2015”.

1 **SEC. 5012. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
2 **TORATION.**

3 Section 506(f)(3)(B) of the Water Resources Devel-  
4 opment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat.  
5 2646) is amended by striking “50 percent” and inserting  
6 “100 percent”.

7 **SEC. 5013. GREAT LAKES REMEDIAL ACTION PLANS AND**  
8 **SEDIMENT REMEDIATION.**

9 Section 401(c) of the Water Resources Development  
10 Act of 1990 (33 U.S.C. 1268 note; 114 Stat. 2613) is  
11 amended by striking “2006” and inserting “2011”.

12 **SEC. 5014. GREAT LAKES TRIBUTARY MODEL.**

13 Section 516(g)(2) of the Water Resources Develop-  
14 ment Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended  
15 by striking “2006” and inserting “2011”.

16 **SEC. 5015. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
17 **RIVER BASINS.**

18 (a) EX OFFICIO MEMBER.—Notwithstanding section  
19 3001(a) of the 1997 Emergency Supplemental Appropria-  
20 tions Act for Recovery From Natural Disasters, and for  
21 Overseas Peacekeeping Efforts, Including Those in Bosnia  
22 (111 Stat. 176) and section 2.2 of both the Susquehanna  
23 River Basin Compact (Public Law 91–575) and the Dela-  
24 ware River Basin Compact (Public Law 87–328), begin-  
25 ning in fiscal year 2005 and thereafter, the Division Engi-  
26 neer, North Atlantic Division, Corps of Engineers, shall

1 be the ex officio United States member under the Susque-  
2 hanna River Basin Compact and the Delaware River  
3 Basin Compact, who shall serve without additional com-  
4 pensation and who may designate an alternate member or  
5 members in accordance with the terms of those respective  
6 compacts.

7 (b) AUTHORIZATION TO ALLOCATE.—The Secretary  
8 may allocate funds to the Susquehanna River Basin Com-  
9 mission, Delaware River Basin Commission, and the  
10 Interstate Commission on the Potomac River Basin (Poto-  
11 mac River Basin Compact (Public Law 91–407)) to fulfill  
12 the equitable funding requirements of their respective  
13 interstate compacts.

14 (c) WATER SUPPLY AND CONSERVATION STOR-  
15 AGE.—

16 (1) DELAWARE RIVER.—The Secretary shall  
17 enter into an agreement with the Delaware River  
18 Basin Commission to provide temporary water sup-  
19 ply and conservation storage at the Francis E. Wal-  
20 ter Dam, Pennsylvania, during any period in which  
21 the Commission has determined that a drought  
22 warning or drought emergency exists. The agree-  
23 ment shall provide that the cost for any such water  
24 supply and conservation storage shall not exceed the



1 incremental operating costs associated with pro-  
2 viding the storage.

3 (2) SUSQUEHANNA RIVER.—The Secretary may  
4 enter into an agreement with the Susquehanna River  
5 Basin Commission to provide temporary water sup-  
6 ply and conservation storage at Corps of Engineers  
7 facilities in the Susquehanna River Basin during any  
8 period in which the Commission has determined that  
9 a drought warning or drought emergency exists. The  
10 agreement shall provide that the cost for any such  
11 water supply and conservation storage shall not ex-  
12 ceed the incremental operating costs associated with  
13 providing the storage.

14 **SEC. 5016. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
15 **TION AND PROTECTION PROGRAM.**

16 (a) FORM OF ASSISTANCE.—Section 510(a)(2) of the  
17 Water Resources Development Act of 1996 (110 Stat.  
18 3759) is amended by striking “, and beneficial uses of  
19 dredged material” and inserting “, beneficial uses of  
20 dredged material, and restoration of submerged aquatic  
21 vegetation”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
23 510(i) of such Act (110 Stat. 3761) is amended by strik-  
24 ing “\$10,000,000” and inserting “\$50,000,000”.

1 **SEC. 5017. CHESAPEAKE BAY OYSTER RESTORATION.**

2       The second sentence of section 704(b) of the Water  
3 Resources Development Act of 1986 (33 U.S.C. 2263(b))  
4 is amended by striking “\$20,000,000” and inserting  
5 “\$30,000,000”.

6 **SEC. 5018. HYPOXIA ASSESSMENT.**

7       The Secretary may participate with Federal, State,  
8 and local agencies, non-Federal and nonprofit entities, re-  
9 gional researchers, and other interested parties to assess  
10 hypoxia in the Gulf of Mexico.

11 **SEC. 5019. POTOMAC RIVER WATERSHED ASSESSMENT AND**  
12 **TRIBUTARY STRATEGY EVALUATION AND**  
13 **MONITORING PROGRAM.**

14       The Secretary may participate in the Potomac River  
15 Watershed Assessment and Tributary Strategy Evaluation  
16 and Monitoring Program to identify a series of resource  
17 management indicators to accurately monitor the effec-  
18 tiveness of the implementation of the agreed upon tribu-  
19 tary strategies and other public policies that pertain to  
20 natural resource protection of the Potomac River water-  
21 shed.

22 **SEC. 5020. LOCK AND DAM SECURITY.**

23       (a) STANDARDS.—The Secretary, in consultation  
24 with the Federal Emergency Management Agency, the  
25 Tennessee Valley Authority, and the Coast Guard, shall  
26 develop standards for the security of locks and dams, in-

1 cluding the testing and certification of vessel exclusion  
2 barriers.

3 (b) SITE SURVEYS.—At the request of a lock or dam  
4 owner, the Secretary shall provide technical assistance, on  
5 a reimbursible basis, to improve lock or dam security.

6 (c) COOPERATIVE AGREEMENT.—The Secretary may  
7 enter into a cooperative agreement with a nonprofit alli-  
8 ance of public and private organizations that has the mis-  
9 sion of promoting safe waterways and seaports to carry  
10 out testing and certification activities, and to perform site  
11 surveys, under this section.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated \$3,000,000 to carry out this  
14 section.

15 **SEC. 5021. REHABILITATION.**

16 The Secretary, at Federal expense and not to exceed  
17 \$1,000,000, shall rehabilitate and improve the water-re-  
18 lated infrastructure and the transportation infrastructure  
19 for the historic property in the Anacostia River Watershed  
20 located in the District of Columbia, including measures  
21 to address wet weather conditions. To carry out this sec-  
22 tion, the Secretary shall accept funds provided for such  
23 project under any other Federal program.

1 **SEC. 5022. RESEARCH AND DEVELOPMENT PROGRAM FOR**  
2 **COLUMBIA AND SNAKE RIVER SALMON SUR-**  
3 **VIVAL.**

4 Section 511 of the Water Resources Development Act  
5 of 1996 (16 U.S.C. 3301 note; 110 Stat. 3761; 113 Stat.  
6 375) is amended—

7 (1) in subsection (a)(6) by striking  
8 “\$10,000,000” and inserting “\$25,000,000”; and

9 (2) in subsection (c)(2) by striking  
10 “\$1,000,000” and inserting “\$10,000,000”.

11 **SEC. 5023. WAGE SURVEYS.**

12 Employees of the United States Army Corps of Engi-  
13 neers who are paid wages determined under the last un-  
14 designated paragraph under the heading “Administrative  
15 Provisions” of chapter V of the Supplemental Appropria-  
16 tions Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall  
17 be allowed, through appropriate employee organization  
18 representatives, to participate in wage surveys under such  
19 paragraph to the same extent as are prevailing rate em-  
20 ployees under subsection (c)(2) of section 5343 of title 5,  
21 United States Code. Nothing in such section 5343 shall  
22 be considered to affect which agencies are to be surveyed  
23 under such paragraph.

24 **SEC. 5024. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

25 The Secretary shall design and construct the locally  
26 preferred plan for flood protection at Pinhook Creek,

1 Huntsville, Alabama, under the authority of section 205  
2 of the Flood Control Act of 1948 (33 U.S.C. 701s). The  
3 Secretary shall allow the non-Federal interest to partici-  
4 pate in the financing of the project in accordance with sec-  
5 tion 903(c) of the Water Resources Development Act of  
6 1986 (100 Stat. 4184) to the extent that the Secretary’s  
7 evaluation indicates that applying such section is nec-  
8 essary to implement the project.

9 **SEC. 5025. TALLAPOOSA, ALABAMA.**

10 The Secretary may provide technical assistance relat-  
11 ing to water supply to the Middle Tallapoosa Water Sup-  
12 ply District, Alabama. There is authorized to be appro-  
13 priated \$5,000,000 to carry out this section.

14 **SEC. 5026. ALASKA.**

15 Section 570 of the Water Resources Development Act  
16 of 1999 (113 Stat. 369) is amended—

17 (1) in subsection (c) by inserting “environ-  
18 mental restoration,” after “water supply and related  
19 facilities,”;

20 (2) in subsection (e)(3)(B) by striking the last  
21 sentence;

22 (3) in subsection (h) by striking “\$25,000,000”  
23 and inserting “\$45,000,000”; and

24 (4) by adding at the end the following:

1       “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
2       tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
3       1962d–5b(b)), for any project undertaken under this sec-  
4       tion, a non-Federal interest may include a nonprofit enti-  
5       ty, with the consent of the affected local government.

6       “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent  
7       of the amounts appropriated to carry out this section may  
8       be used by the Corps of Engineers district offices to ad-  
9       minister projects under this section at 100 percent Fed-  
10      eral expense.”.

11   **SEC. 5027. BARROW, ALASKA.**

12       The Secretary shall carry out, under section 117 of  
13       the Energy and Water Development Appropriations Act,  
14       2005 (118 Stat. 2944), a nonstructural project for coastal  
15       erosion and storm damage prevention and reduction at  
16       Barrow, Alaska, including relocation of infrastructure.

17   **SEC. 5028. COFFMAN COVE, ALASKA.**

18       The Secretary is authorized to carry out a project for  
19       navigation, Coffman Cove, Alaska, at a total cost of  
20       \$3,000,000.

21   **SEC. 5029. FIRE ISLAND, ALASKA.**

22       (a) IN GENERAL.—The Secretary is authorized to  
23       provide planning, design, and construction assistance to  
24       the non-Federal interest for the construction of a cause-  
25       way between Point Campbell and Fire Island, Alaska, in-

1 cluding the beneficial use of dredged material in the con-  
2 struction of the causeway.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated \$5,000,000 to carry out this  
5 section.

6 **SEC. 5030. FORT YUKON, ALASKA.**

7 The Secretary shall make repairs to the dike at Fort  
8 Yukon, Alaska, so that the dike meets Corps of Engineers  
9 standards.

10 **SEC. 5031. KOTZEBUE HARBOR, ALASKA.**

11 The Secretary is authorized to carry out a project for  
12 navigation, Kotzebue Harbor, Kotzebue, Alaska, at at  
13 total cost of \$2,200,000.

14 **SEC. 5032. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

15 (a) LONG-TERM MAINTENANCE AND REPAIR.—The  
16 Secretary shall assume responsibility for the long-term  
17 maintenance and repair of the Lowell Creek Tunnel.

18 (b) STUDY.—The Secretary shall conduct a study to  
19 determine whether alternative methods of flood diversion  
20 in Lowell Canyon are feasible.

21 **SEC. 5033. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**  
22 **ALASKA.**

23 The Secretary shall carry out, on an emergency basis,  
24 necessary removal of rubble, sediment, and rock impeding

1 the entrance to the St. Herman and St. Paul Harbors,  
2 Kodiak, Alaska, at a Federal cost of \$2,000,000.

3 **SEC. 5034. TANANA RIVER, ALASKA.**

4 The Secretary shall carry out, on an emergency basis,  
5 the removal of the hazard to navigation on the Tanana  
6 River, Alaska, near the mouth of the Chena River, as de-  
7 scribed in the January 3, 2005, memorandum from the  
8 Commander, Seventeenth Coast Guard District, to the  
9 Corps of Engineers, Alaska District, Anchorage, Alaska.

10 **SEC. 5035. VALDEZ, ALASKA.**

11 The Secretary is authorized to construct a small boat  
12 harbor in Valdez, Alaska, at a total cost of \$20,000,000,  
13 with an estimated Federal cost of \$10,500,000 and an es-  
14 timated non-Federal cost of \$9,500,000.

15 **SEC. 5036. WHITTIER, ALASKA.**

16 (a) STUDY.—The Secretary shall conduct, at Federal  
17 expense, a study to determine the feasibility of carrying  
18 out projects for navigation at Whittier, Alaska, to con-  
19 struct a new boat harbor at the head of Whittier Bay and  
20 to expand the existing harbor and, if the Secretary deter-  
21 mines that a project is feasible, the Secretary may carry  
22 out the project.

23 (b) NON-FEDERAL COST SHARE.—The non-Federal  
24 interest may use, and the Secretary shall accept, funds  
25 provided under any other Federal program to satisfy, in



1 whole or in part, the non-Federal share of the construction  
2 of any project carried out under this section if such funds  
3 are authorized to be used to carry out such project.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$35,200,000.

7 **SEC. 5037. WRANGELL HARBOR, ALASKA.**

8 (a) GENERAL NAVIGATION FEATURES.—In carrying  
9 out the project for navigation, Wrangell Harbor, Alaska,  
10 authorized by section 101(b)(1) of the Water Resources  
11 Development Act of 1999 (113 Stat. 279), the Secretary  
12 shall consider the dredging of the mooring basin and con-  
13 struction of the inner harbor facilities to be general navi-  
14 gation features for purposes of estimating the non-Federal  
15 share of project costs.

16 (b) REVISION OF PARTNERSHIP AGREEMENT.—The  
17 Secretary shall revise the partnership agreement for the  
18 project to reflect the change required by subsection (a).

19 **SEC. 5038. AUGUSTA AND CLARENDON, ARKANSAS.**

20 (a) IN GENERAL.—The Secretary is authorized to  
21 perform operation, maintenance, and rehabilitation of au-  
22 thorized and completed levees on the White River between  
23 Augusta and Clarendon, Arkansas.

24 (b) REIMBURSEMENT.—After performing the oper-  
25 ation, maintenance, and rehabilitation under subsection

1 (a), the Secretary shall seek reimbursement from the Sec-  
2 retary of the Interior of an amount equal to the costs allo-  
3 cated to benefits to a Federal wildlife refuge of such oper-  
4 ation, maintenance, and rehabilitation.

5 **SEC. 5039. DES ARC LEVEE PROTECTION, ARKANSAS.**

6 The Secretary shall review the project for flood con-  
7 trol, Des Arc, Arkansas, to determine whether bank and  
8 channel scour along the White River threaten the existing  
9 project and whether the scour is as a result of a design  
10 deficiency. If the Secretary determines that such condi-  
11 tions exist as a result of a deficiency, the Secretary shall  
12 carry out measures to eliminate the deficiency.

13 **SEC. 5040. LOOMIS LANDING, ARKANSAS.**

14 The Secretary shall conduct a study of shore damage  
15 in the vicinity of Loomis Landing, Arkansas, to determine  
16 if the damage is the result of a Federal navigation project,  
17 and, if the Secretary determines that the damage is the  
18 result of a Federal navigation project, the Secretary shall  
19 carry out a project to mitigate the damage under section  
20 111 of the River and Harbor Act of 1968 (33 U.S.C.  
21 426i).

22 **SEC. 5041. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**  
23 **SOURI.**

24 The Secretary shall conduct a study of increased sil-  
25 tation and streambank erosion in the St. Francis River

1 Basin, Arkansas and Missouri, to determine if the siltation  
2 or erosion, or both, are the result of a Federal flood con-  
3 trol project and, if the Secretary determines that the silt-  
4 tion or erosion, or both, are the result of a Federal flood  
5 control project, the Secretary shall carry out a project to  
6 mitigate the siltation or erosion, or both.

7 **SEC. 5042. WHITE RIVER BASIN, ARKANSAS.**

8 (a) MINIMUM FLOWS.—

9 (1) IN GENERAL.—In carrying out section 304  
10 of the Water Resources Development Act of 2000  
11 (114 Stat. 2601), the Secretary shall implement al-  
12 ternatives BS-3 and NF-7, as described in the  
13 White River Minimum Flows Reallocation Study Re-  
14 port, Arkansas and Missouri, dated July 2004.

15 (2) COST SHARING.—Reallocation of storage  
16 and installation of facilities under this subsection  
17 shall be considered fish and wildlife enhancement  
18 that provides national benefits and shall be a Fed-  
19 eral expense in accordance with section 906(e)(1) of  
20 the Water Resources Development Act of 1986 (33  
21 U.S.C. 2283(e)(1)).

22 (3) OFFSET.—In carrying out this subsection,  
23 losses to hydropower shall be offset by a reduction,  
24 not to exceed \$17,000,000, in the costs allocated to  
25 hydropower, as determined by the present value of

1 the estimated replacement cost of the electrical en-  
2 ergy and capacity at the time of the implementation.

3 (b) FISH HATCHERY.—In operating the fish hatchery  
4 at Beaver Lake, Arkansas, authorized by section 105 of  
5 the Water Resources Development Act of 1976 (90 Stat.  
6 2921), losses to hydropower shall be offset by a reduction,  
7 not to exceed \$2,200,000, in the costs allocated to hydro-  
8 power, as determined by the present value of the estimated  
9 replacement cost of the electrical energy and capacity at  
10 the time of the implementation.

11 (c) REPEAL.—Section 374 of the Water Resources  
12 Development Act of 1999 (113 Stat. 321) is repealed.

13 **SEC. 5043. CAMBRIA, CALIFORNIA.**

14 Section 219(f)(48) of the Water Resources Develop-  
15 ment Act of 1992 (114 Stat. 2763A–220) is amended—

16 (1) by striking “\$10,300,000” and inserting the  
17 following:

18 “(A) IN GENERAL.—\$10,300,000”;

19 (2) by adding at the end the following:

20 “(B) CREDIT.—The Secretary shall credit  
21 toward the non-Federal share of the cost of the  
22 project not to exceed \$3,000,000 for the cost of  
23 planning and design work carried out by the  
24 non-Federal interest before the date of the  
25 partnership agreement for the project if the

1 Secretary determines that the work is integral  
2 to the project.”; and

3 (3) by aligning the remainder of the text of  
4 subparagraph (A) (as designated by paragraph (1)  
5 of this section) with subparagraph (B) (as added by  
6 paragraph (2) of this section).

7 **SEC. 5044. CONTRA COSTA CANAL, OAKLEY AND**  
8 **KNIGHTSEN, CALIFORNIA; MALLARD**  
9 **SLOUGH, PITTSBURG, CALIFORNIA.**

10 Sections 512 and 514 of the Water Resources Devel-  
11 opment Act of 2000 (114 Stat. 2650) are each amended  
12 by adding at the end the following: “All planning, study,  
13 design, and construction on the project shall be carried  
14 out by the office of the district engineer, San Francisco,  
15 California.”.

16 **SEC. 5045. DANA POINT HARBOR, CALIFORNIA.**

17 The Secretary shall conduct a study of the causes of  
18 water quality degradation within Dana Point Harbor,  
19 California, to determine if the degradation is the result  
20 of a Federal navigation project, and, if the Secretary de-  
21 termines that the degradation is the result of a Federal  
22 navigation project, the Secretary shall carry out a project  
23 to mitigate the degradation at Federal expense.

1 **SEC. 5046. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

2 Section 219(f)(22) of the Water Resources Develop-  
3 ment Act of 1992 (113 Stat. 336) is amended—

4 (1) by striking “\$25,000,000” and inserting the  
5 following:

6 “(A) IN GENERAL.—\$25,000,000”;

7 (2) by adding at the end the following:

8 “(B) CREDIT.—The Secretary shall credit  
9 toward the non-Federal share of the cost of the  
10 project (i) the cost of design and construction  
11 work carried out by the non-Federal interest  
12 before, on, or after the date of the partnership  
13 agreement for the project if the Secretary de-  
14 termines that the work is integral to the  
15 project; and (ii) the cost of provided for the  
16 project by the non-Federal interest.

17 “(C) IN-KIND CONTRIBUTIONS.—The non-  
18 Federal interest may provide any portion of the  
19 non-Federal share of the cost of the project in  
20 the form of in-kind services and materials.”;  
21 and

22 (3) by aligning the remainder of the text of  
23 subparagraph (A) (as designated by paragraph (1)  
24 of this section) with subparagraph (B) (as added by  
25 paragraph (2) of this section).

1 **SEC. 5047. EASTERN SANTA CLARA BASIN, CALIFORNIA.**

2 Section 111(c) of the Miscellaneous Appropriations  
3 Act, 2001 (as enacted into law by Public Law 106–554;  
4 114 Stat. 2763A-224) is amended—

5 (1) by striking “\$25,000,000” and inserting  
6 “\$28,000,000”; and

7 (2) by striking “\$7,000,000” and inserting  
8 “\$10,000,000”.

9 **SEC. 5048. LA-3 DREDGED MATERIAL OCEAN DISPOSAL**  
10 **SITE DESIGNATION, CALIFORNIA.**

11 The third sentence of section 102(c)(4) of the Marine  
12 Protection, Research, and Sanctuaries Act of 1972 (33  
13 U.S.C. 1412(c)(4)) is amended by striking “January 1,  
14 2003” and inserting “January 1, 2007”.

15 **SEC. 5049. LANCASTER, CALIFORNIA.**

16 Section 219(f)(50) of the Water Resources Develop-  
17 ment Act of 1992 (114 Stat. 2763A-220) is amended—

18 (1) by inserting after “water” the following:  
19 “and wastewater”;

20 (2) by striking “\$14,500,000” and inserting  
21 “\$24,500,000”.

22 **SEC. 5050. ONTARIO AND CHINO, CALIFORNIA.**

23 The Secretary shall carry out a project for flood dam-  
24 age reduction under section 205 of the Flood Control Act  
25 of 1948 (33 U.S.C. 701s), in the vicinity of Ontario and

1 Chino, California, if the Secretary determines that the  
2 project is feasible.

3 **SEC. 5051. PINE FLAT DAM AND RESERVOIR, CALIFORNIA.**

4 (a) IN GENERAL.—The Secretary shall review the  
5 Kings River Fisheries Management Program Framework  
6 Agreement, dated May 29, 1999, among the California  
7 Department of Fish and Game, the Kings River Water  
8 Association, and the Kings River Conservation District  
9 and, if the Secretary determines that the management  
10 program is feasible, the Secretary may participate in the  
11 management program.

12 (b) PROHIBITION.—Nothing in this section author-  
13 izes any project for the raising of, or the construction of,  
14 a multilevel intake structure at Pine Flat Dam, California.

15 (c) USE OF EXISTING STUDIES.—In carrying out this  
16 section, the Secretary shall use, to the maximum extent  
17 practicable, studies in existence on the date of enactment  
18 of this Act, including data and environmental documenta-  
19 tion in the Report of the Chief of Engineers, Pine Flat  
20 Dam and Reservoir, Fresno County, California, dated July  
21 19, 2002.

22 (d) CREDIT.—The Secretary shall credit toward the  
23 non-Federal share of the cost of the project the cost of  
24 planning, design, and construction work carried out by the  
25 non-Federal interest before the date of the partnership



1 agreement for the project if the Secretary determines that  
2 the work is integral to the project.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to \$20,000,000 to carry out  
5 this section.

6 **SEC. 5052. RAYMOND BASIN, SIX BASINS, CHINO BASIN, AND**  
7 **SAN GABRIEL BASIN, CALIFORNIA.**

8 (a) COMPREHENSIVE PLAN.—The Secretary, in con-  
9 sultation and coordination with appropriate Federal,  
10 State, and local entities, shall develop a comprehensive  
11 plan for the management of water resources in the Ray-  
12 mond Basin, Six Basins, Chino Basin, and San Gabriel  
13 Basin, California. The Secretary may carry out activities  
14 identified in the comprehensive plan to demonstrate prac-  
15 ticable alternatives for water resources management.

16 (b) NON-FEDERAL SHARE.—

17 (1) IN GENERAL.—The non-Federal share of  
18 the cost of activities carried out under this section  
19 shall be 35 percent.

20 (2) CREDIT.—The Secretary shall credit toward  
21 the non-Federal share of the cost of activities car-  
22 ried out under this section the cost of planning, de-  
23 sign, and construction work completed by or on be-  
24 half of the non-Federal interests for implementation  
25 of measures under this section. The amount of such

1 credit shall not exceed the non-Federal share of the  
2 cost of such activities.

3 (3) OPERATION AND MAINTENANCE.—The non-  
4 Federal share of the cost of operation and mainte-  
5 nance of any measures constructed under this sec-  
6 tion shall be 100 percent.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$5,000,000.

10 **SEC. 5053. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
11 **CALIFORNIA.**

12 (a) IN GENERAL.—The Secretary is authorized to  
13 transfer title to the Bascule Bridge, deauthorized by sec-  
14 tion 347(a)(2) of the Water Resources Development Act  
15 of 2000 (114. Stat. 2618), to the city of West Sacramento,  
16 California, subject to the execution of an agreement by  
17 the Secretary and the city which specifies the terms and  
18 conditions for such transfer. The terms and conditions of  
19 the transfer shall include a provision authorizing the Sec-  
20 retary to participate in the construction of a replacement  
21 bridge following the removal of the Bascule Bridge.

22 (b) AUTHORIZATION OF APPROPRIATION.—There is  
23 authorized to be appropriated \$5,000,000 for the Sec-  
24 retary to participate in the construction of a replacement  
25 bridge under this section.

1 **SEC. 5054. SAN FRANCISCO, CALIFORNIA.**

2 (a) IN GENERAL.—The Secretary, in cooperation  
3 with the Port of San Francisco, California, may carry out  
4 the project for repair and removal, as appropriate, of Piers  
5 35, 36, and 80 in San Francisco, California, substantially  
6 in accordance with the Port's redevelopment plan.

7 (b) AUTHORIZATION OF APPROPRIATION.—There is  
8 authorized to be appropriated \$20,000,000 to carry out  
9 this subsection.

10 **SEC. 5055. SAN FRANCISCO, CALIFORNIA, WATERFRONT**  
11 **AREA.**

12 (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-  
13 LIC INTEREST.—Unless the Secretary finds, after con-  
14 sultation with local and regional public officials (including  
15 local and regional public planning organizations), that the  
16 proposed projects to be undertaken within the boundaries  
17 of the portion of the San Francisco, California, waterfront  
18 area described in subsection (b) are not in the public inter-  
19 est, such portion is declared to be nonnavigable waters of  
20 the United States.

21 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT  
22 STREET.—The portion of the San Francisco, California,  
23 waterfront area referred to in subsection (a) is as follows:  
24 Beginning at the intersection of the northeasterly prolon-  
25 gation of that portion of the northwesterly line of Bryant  
26 Street lying between Beale Street and Main Street with

1 the southwesterly line of Spear Street, which intersection  
2 lies on the line of jurisdiction of the San Francisco Port  
3 Commission; following thence southerly along said line of  
4 jurisdiction as described in the State of California Harbor  
5 and Navigation Code Section 1770, as amended in 1961,  
6 to its intersection with the easterly line of Townsend  
7 Street along a line that is parallel and distant 10 feet dis-  
8 tant from the existing southern boundary of Pier 40 pro-  
9 duced to its point of intersection with the United States  
10 Government pier-head line; thence northerly along said  
11 pier-head line to its intersection with a line parallel with,  
12 and distant 10 feet easterly from, the existing easterly  
13 boundary line of Pier 30–32; thence northerly along said  
14 parallel line and its northerly prolongation, to a point of  
15 intersection with a line parallel with, and distant 10 feet  
16 northerly from, the existing northerly boundary of Pier  
17 30–32, thence westerly along last said parallel line to its  
18 intersection with the United States Government pier-head  
19 line; to the northwesterly line of Bryant Street produced  
20 northwesterly; thence southwesterly along said northwest-  
21 erly line of Bryant Street produced to the point of begin-  
22 ning.

23 (c) REQUIREMENT THAT AREA BE IMPROVED.—The  
24 declaration of nonnavigability under subsection (a) applies  
25 only to those parts of the area described in subsection (b)

1 that are or will be bulkheaded, filled, or otherwise occupied  
2 by permanent structures and does not affect the applica-  
3 bility of any Federal statute or regulation applicable to  
4 such parts the day before the date of enactment of this  
5 Act, including sections 9 and 10 of the Act of March 3,  
6 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly  
7 known as the Rivers and Harbors Appropriation Act of  
8 1899, section 404 of the Federal Water Pollution Control  
9 Act (33 U.S.C. 1344), and the National Environmental  
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

11 (d) EXPIRATION DATE.—If, 20 years from the date  
12 of enactment of this Act, any area or part thereof de-  
13 scribed in subsection (b) is not bulkheaded or filled or oc-  
14 cupied by permanent structures, including marina facili-  
15 ties, in accordance with the requirements set out in sub-  
16 section (c), or if work in connection with any activity per-  
17 mitted in subsection (c) is not commenced within 5 years  
18 after issuance of such permits, then the declaration of  
19 nonnavigability for such area or part thereof shall expire.

20 **SEC. 5056. SAN PABLO BAY, CALIFORNIA, WATERSHED AND**  
21 **SUISUN MARSH ECOSYSTEM RESTORATION.**

22 (a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

23 (1) IN GENERAL.—The Secretary shall complete  
24 work, as expeditiously as possible, on the ongoing  
25 San Pablo Bay watershed, California, study to deter-

1 mine the feasibility of opportunities for restoring,  
2 preserving and protecting the San Pablo Bay water-  
3 shed.

4 (2) REPORT.—Not later than March 31, 2008,  
5 the Secretary shall submit to Congress a report on  
6 the results of the study.

7 (b) SUISUN MARSH, CALIFORNIA.—The Secretary  
8 shall conduct a comprehensive study to determine the fea-  
9 sibility of opportunities for restoring, preserving and pro-  
10 tecting the Suisun Marsh, California.

11 (c) SAN PABLO AND SUISUN BAY MARSH WATER-  
12 SHED CRITICAL RESTORATION PROJECTS.—

13 (1) IN GENERAL.—The Secretary may partici-  
14 pate in critical restoration projects that will produce,  
15 consistent with Federal programs, projects, and ac-  
16 tivities, immediate and substantial ecosystem res-  
17 toration, preservation, and protection benefits in the  
18 following sub-watersheds of the San Pablo and  
19 Suisun Bay Marsh watersheds:

20 (A) The tidal areas of the Petaluma River,  
21 Napa-Sonoma Marsh.

22 (B) The shoreline of West Contra Costa  
23 County.

24 (C) Novato Creek.

25 (D) Suisun Marsh.

1 (E) Gallinas-Miller Creek.

2 (2) TYPES OF ASSISTANCE.—Participation in  
3 critical restoration projects under this subsection  
4 may include assistance for planning, design, or con-  
5 struction.

6 (d) NON-FEDERAL INTERESTS.—Notwithstanding  
7 the requirements of section 221 of the Flood Control Act  
8 of 1970 (42 U.S.C. 1962d-5b), a nonprofit entity may  
9 serve, with the consent of the affected local government,  
10 as a non-Federal interest for a project undertaken under  
11 this section.

12 (e) COST SHARING.—Before carrying out any project  
13 under this section, the Secretary shall enter into a part-  
14 nership agreement with the non-Federal interest that shall  
15 require the non-Federal interest—

16 (1) to pay 35 percent of the cost of construc-  
17 tion for the project;

18 (2) to provide any lands, easements, rights-of-  
19 way, dredged material disposal areas, and reloca-  
20 tions necessary to carry out the project; and

21 (3) to pay 100 percent of the operation, mainte-  
22 nance, repair, replacement, and rehabilitation costs  
23 associated with the project.

1 (f) CREDIT.—The Secretary shall credit toward the  
2 non-Federal share of the cost of construction of a project  
3 under this section—

4 (1) the value of any lands, easements, rights-of-  
5 way, dredged material disposal areas, or relocations  
6 provided by the non-Federal interest for carrying out  
7 the project, regardless of the date of acquisition;

8 (2) funds received from the CALFED Bay-  
9 Delta program; and

10 (3) the cost of the studies, design, and con-  
11 struction work carried out by the non-Federal inter-  
12 est before the date of execution of a partnership  
13 agreement for the project if the Secretary deter-  
14 mines that the work is integral to the project.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$40,000,000.

18 **SEC. 5057. SANTA VENETIA, CALIFORNIA.**

19 (a) IN GENERAL.—The Secretary shall carry out a  
20 project for flood damage reduction under section 205 of  
21 the Flood Control Act of 1958 (33 U.S.C. 701s), Santa  
22 Venetia, California, if the Secretary determines that the  
23 project is feasible.

24 (b) PROJECT FINANCING.—In carrying out the  
25 project under this section, the Secretary shall allow the



1 non-Federal interests to participate in the financing of the  
2 project in accordance with section 903(c) of the Water Re-  
3 sources Development Act of 1986 (100 Stat. 4184), to the  
4 extent that the Secretary's evaluation indicates that apply-  
5 ing such section is necessary to implement the project.

6 **SEC. 5058. STOCKTON, CALIFORNIA.**

7       (a) REEVALUATION.—The Secretary shall reevaluate  
8 the feasibility of the Lower Mosher Slough element and  
9 the levee extensions on the Upper Calaveras River element  
10 of the project for flood control, Stockton Metropolitan  
11 Area, California, carried out under section 211(f)(3) of the  
12 Water Resources Development Act of 1996 (110 Stat.  
13 3683), to determine the eligibility of such elements for re-  
14 imbursement under section 211 of such Act (33 U.S.C.  
15 701b–13).

16       (b) SPECIAL RULES FOR REEVALUATION.—In con-  
17 ducting the reevaluation under subsection (a), the Sec-  
18 retary shall not reject a feasibility determination based on  
19 one or more of the policies of the Corps of Engineers con-  
20 cerning the frequency of flooding, the drainage area, and  
21 the amount of runoff.

22       (c) REIMBURSEMENT.—If the Secretary determines  
23 that the elements referred to subsection (a) are feasible,  
24 the Secretary shall reimburse, subject to appropriations,  
25 the non-Federal interest under section 211 of the Water

1 Resources Development Act of 1996 for the Federal share  
2 of the cost of such elements.

3 **SEC. 5059. VICTOR V. VEYSEY DAM, CALIFORNIA.**

4 (a) DESIGNATION.—The Prado Dam, authorized by  
5 the Flood Control Act of 1936 (49 Stat. 1570), shall be  
6 known and designated as the “Victor V. Veysey Dam”.

7 (b) REFERENCES.—Any reference in a law, map, reg-  
8 ulation, document, paper, or other record of the United  
9 States to the dam referred to in subsection (a) shall be  
10 deemed to be a reference to the “Victor V. Veysey Dam”.

11 **SEC. 5060. WHITTIER, CALIFORNIA.**

12 The Secretary shall carry out a project for flood dam-  
13 age reduction under section 205 of the Flood Control Act  
14 of 1948 (33 U.S.C. 701s) in the vicinity of Whittier, Cali-  
15 fornia, if the Secretary determines that the project is fea-  
16 sible.

17 **SEC. 5061. CHARLES HERVEY TOWNSHEND BREAKWATER,**  
18 **NEW HAVEN HARBOR, CONNECTICUT.**

19 (a) DESIGNATION.—The western breakwater for the  
20 project for navigation, New Haven Harbor, Connecticut,  
21 authorized by the first section of the Act of September  
22 19, 1890 (26 Stat. 426), shall be known and designated  
23 as the “Charles Hervey Townshend Breakwater”.

24 (b) REFERENCES.—Any reference in a law, map, reg-  
25 ulation, document, paper, or other record of the United

1 States to the breakwater referred to in subsection (a) shall  
2 be deemed to be a reference to the “Charles Hervey  
3 Townshend Breakwater”.

4 **SEC. 5062. CHRISTINA RIVER SHIPWRECK, DELAWARE.**

5 The Secretary may carry out the removal of the de-  
6bris associated with the steamship “STATE OF PENN-  
7SYLVANIA” and other derelict vessels from the Christina  
8River, Delaware, under section 202 of the Water Re-  
9sources Development Act of 1976 (90 Stat. 2945).

10 **SEC. 5063. ANACOSTIA RIVER, DISTRICT OF COLUMBIA,**  
11 **MARYLAND, AND VIRGINIA.**

12 (a) COMPREHENSIVE ACTION PLAN.—Not later than  
13 1 year after the date of enactment of this Act, the Sec-  
14retary, in coordination with the Mayor of the District of  
15Columbia, the Governor of Maryland, the Governor of Vir-  
16ginia, the County Executives of Montgomery County and  
17Prince George’s County, Maryland, and other interested  
18persons, shall develop a 10-year comprehensive action plan  
19for the restoration and protection of the ecological integ-  
20rity of the Anacostia River and its tributaries.

21 (b) PUBLIC AVAILABILITY.—Upon completion of the  
22plan, the Secretary shall make the plan available to the  
23public.

1 **SEC. 5064. FLORIDA KEYS WATER QUALITY IMPROVE-**  
2 **MENTS.**

3 Section 109 of the Miscellaneous Appropriations Act,  
4 2001 (enacted into law by Public Law 106–554) (114  
5 Stat. 2763A–222) is amended—

6 (1) by adding at the end of subsection (e)(2)  
7 the following:

8 “(C) CREDIT FOR WORK PRIOR TO EXECU-  
9 TION OF THE PARTNERSHIP AGREEMENT.—The  
10 Secretary shall credit toward the non-Federal  
11 share of the cost of the project (i) the cost of  
12 construction work carried out by the non-Fed-  
13 eral interest before the date of the partnership  
14 agreement for the project if the Secretary de-  
15 termines that the work is integral to the  
16 project; and (ii) the cost of land acquisition car-  
17 ried out by the non-Federal interest for projects  
18 to be carried out under this section.”; and

19 (2) in subsection (f) by striking  
20 “\$100,000,000” and inserting “\$100,000,000, of  
21 which not more than \$15,000,000 may be used to  
22 provide planning, design, and construction assistance  
23 to the Florida Keys Aqueduct Authority for a water  
24 treatment plant, Florida City, Florida”.

1 **SEC. 5065. LAKE WORTH, FLORIDA.**

2       The Secretary may carry out necessary repairs for  
3 the Lake Worth bulkhead replacement project, West Palm  
4 Beach, Florida, at an estimated total cost of \$9,000,000.

5 **SEC. 5066. LAKE LANIER, GEORGIA.**

6       The Secretary may assist local interests with plan-  
7 ning, design, and construction of facilities at the Lake La-  
8 nier Olympic Center, Georgia, at a total cost of  
9 \$5,300,000.

10 **SEC. 5067. RILEY CREEK RECREATION AREA, IDAHO.**

11       The Secretary is authorized to carry out the Riley  
12 Creek Recreation Area Operation Plan of the Albeni Falls  
13 Management Plan, dated October 2001, for the Riley  
14 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-  
15 ty, Idaho.

16 **SEC. 5068. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**  
17 **TION PROJECTS.**

18       (a) IN GENERAL.—The Secretary may participate in  
19 the reconstruction of an eligible flood control project if the  
20 Secretary determines that such reconstruction is not re-  
21 quired as a result of improper operation and maintenance  
22 of the project by the non-Federal interest.

23       (b) COST SHARING.—The non-Federal share of the  
24 costs for the reconstruction of a flood control project au-  
25 thorized by this section shall be the same non-Federal  
26 share that was applicable to construction of the project.

1 The non-Federal interest shall be responsible for operation  
2 and maintenance and repair of a project for which recon-  
3 struction is undertaken under this section.

4 (c) RECONSTRUCTION DEFINED.—In this section,  
5 the term “reconstruction”, as used with respect to a  
6 project, means addressing major project deficiencies  
7 caused by long-term degradation of the foundation, con-  
8 struction materials, or engineering systems or components  
9 of the project, the results of which render the project at  
10 risk of not performing in compliance with its authorized  
11 project purposes. In addressing such deficiencies, the Sec-  
12 retary may incorporate current design standards and effi-  
13 ciency improvements, including the replacement of obso-  
14 lete mechanical and electrical components at pumping sta-  
15 tions, if such incorporation does not significantly change  
16 the scope, function, and purpose of the project as author-  
17 ized.

18 (d) ELIGIBLE PROJECTS.—The following flood con-  
19 trol projects are eligible for reconstruction under this sec-  
20 tion:

21 (1) Clear Creek Drainage and Levee District,  
22 Illinois.

23 (2) Fort Chartres and Ivy Landing Drainage  
24 District, Illinois.

1           (3) Wood River Drainage and Levee District,  
2       Illinois.

3           (4) Cairo, Illinois Mainline Levee, Cairo, Illi-  
4       nois.

5           (5) Goose Pond Pump Station, Cairo, Illinois.

6           (6) Cottonwood Slough Pump Station, Alex-  
7       ander County, Illinois.

8           (7) 10th and 28th Street Pump Stations, Cairo,  
9       Illinois.

10          (8) Flood control levee projects in Brookport,  
11       Shawneetown, Old Shawneetown, Golconda,  
12       Rosiclare, Harrisburg, and Reevesville, Illinois.

13       (e) JUSTIFICATION.—The reconstruction of a project  
14 authorized by this section shall not be considered a sepa-  
15 rable element of the project.

16       (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated—

18           (1) \$15,000,000 to carry out the projects de-  
19       scribed in paragraphs (1) through (7) of subsection  
20       (d); and

21           (2) \$15,000,000 to carry out the projects de-  
22       scribed in subsection (d)(8).

23       Such sums shall remain available until expended.

1 **SEC. 5069. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**  
2 **TION.**

3 (a) KASKASKIA RIVER BASIN DEFINED.—In this sec-  
4 tion, the term “Kaskaskia River Basin” means the  
5 Kaskaskia River, Illinois, its backwaters, its side channels,  
6 and all tributaries, including their watersheds, draining  
7 into the Kaskaskia River.

8 (b) COMPREHENSIVE PLAN.—

9 (1) DEVELOPMENT.—The Secretary shall de-  
10 velop, as expeditiously as practicable, a comprehen-  
11 sive plan for the purpose of restoring, preserving,  
12 and protecting the Kaskaskia River Basin.

13 (2) TECHNOLOGIES AND INNOVATIVE AP-  
14 PROACHES.—The comprehensive plan shall provide  
15 for the development of new technologies and innova-  
16 tive approaches—

17 (A) to enhance the Kaskaskia River as a  
18 transportation corridor;

19 (B) to improve water quality within the en-  
20 tire Kaskaskia River Basin;

21 (C) to restore, enhance, and preserve habi-  
22 tat for plants and wildlife;

23 (D) to ensure aquatic integrity of  
24 sidechannels and backwaters and their  
25 connectivity with the mainstem river;



1           (E) to increase economic opportunity for  
2           agriculture and business communities; and

3           (F) to reduce the impacts of flooding to  
4           communities and landowners.

5           (3) SPECIFIC COMPONENTS.—The comprehen-  
6           sive plan shall include such features as are necessary  
7           to provide for—

8           (A) the development and implementation of  
9           a program for sediment removal technology,  
10          sediment characterization, sediment transport,  
11          and beneficial uses of sediment;

12          (B) the development and implementation  
13          of a program for the planning, conservation,  
14          evaluation, and construction of measures for  
15          fish and wildlife habitat conservation and reha-  
16          bilitation, and stabilization and enhancement of  
17          land and water resources in the basin;

18          (C) the development and implementation of  
19          a long-term resource monitoring program;

20          (D) a conveyance study of the Kaskaskia  
21          River floodplain from Vandalia, Illinois, to  
22          Carlyle Lake to determine the impacts of exist-  
23          ing and future waterfowl improvements on flood  
24          stages, including detailed surveys and mapping

1 information to ensure proper hydraulic and  
2 hydrological analysis;

3 (E) the development and implementation  
4 of a computerized inventory and analysis sys-  
5 tem; and

6 (F) the development and implementation  
7 of a systemic plan to reduce flood impacts by  
8 means of ecosystem restoration projects.

9 (4) CONSULTATION.—The comprehensive plan  
10 shall be developed by the Secretary in consultation  
11 with appropriate Federal agencies, the State of Illi-  
12 nois, and the Kaskaskia River Watershed Associa-  
13 tion.

14 (5) REPORT TO CONGRESS.—Not later than 2  
15 years after the date of enactment of this Act, the  
16 Secretary shall transmit to Congress a report con-  
17 taining the comprehensive plan.

18 (6) ADDITIONAL STUDIES AND ANALYSES.—  
19 After transmission of a report under paragraph (5),  
20 the Secretary shall conduct studies and analyses of  
21 projects related to the comprehensive plan that are  
22 appropriate and consistent with this subsection.

23 (c) GENERAL PROVISIONS.—

24 (1) WATER QUALITY.—In carrying out activi-  
25 ties under this section, the Secretary's recommenda-

1        tions shall be consistent with applicable State water  
2        quality standards.

3            (2) PUBLIC PARTICIPATION.—In developing the  
4        comprehensive plan under subsection (b), the Sec-  
5        retary shall implement procedures to facilitate public  
6        participation, including providing advance notice of  
7        meetings, providing adequate opportunity for public  
8        input and comment, maintaining appropriate  
9        records, and making a record of the proceedings of  
10       meetings available for public inspection.

11       (d) COORDINATION.—The Secretary shall integrate  
12       activities carried out under this section with ongoing Fed-  
13       eral and State programs, projects, and activities, including  
14       the following:

15            (1) Farm programs of the Department of Agri-  
16        culture.

17            (2) Conservation Reserve Enhancement Pro-  
18        gram (State of Illinois) and Conservation 2000 Eco-  
19        system Program of the Illinois Department of Nat-  
20        ural Resources.

21            (3) Conservation 2000 Conservation Practices  
22        Program and the Livestock Management Facilities  
23        Act administered by the Illinois Department of Agri-  
24        culture.

1           (4) National Buffer Initiative of the Natural  
2 Resources Conservation Service.

3           (5) Nonpoint source grant program adminis-  
4 tered by the Illinois Environmental Protection Agen-  
5 cy.

6           (6) Other programs that may be developed by  
7 the State of Illinois or the Federal Government, or  
8 that are carried out by non-profit organizations, to  
9 carry out the objectives of the Kaskaskia River  
10 Basin Comprehensive Plan.

11 (e) COST SHARING.—

12           (1) IN GENERAL.—The non-Federal share of  
13 the cost of activities carried out under this section  
14 shall be 35 percent.

15           (2) IN-KIND SERVICES.—The Secretary may  
16 credit the cost of in-kind services provided by the  
17 non-Federal interest for an activity carried out  
18 under this section toward not more than 80 percent  
19 of the non-Federal share of the cost of the activity.  
20 In-kind services shall include all State funds ex-  
21 pended on programs that accomplish the goals of  
22 this section, as determined by the Secretary. The  
23 programs may include the Kaskaskia River Con-  
24 servation Reserve Program, the Illinois Conservation  
25 2000 Program, the Open Lands Trust Fund, and

1       other appropriate programs carried out in the  
2       Kaskaskia River Basin.

3   **SEC. 5070. FLOODPLAIN MAPPING, LITTLE CALUMET**  
4               **RIVER, CHICAGO, ILLINOIS.**

5       (a) IN GENERAL.—The Secretary shall provide as-  
6       sistance for a project to develop maps identifying 100- and  
7       500-year flood inundation areas along the Little Calumet  
8       River, Chicago, Illinois.

9       (b) REQUIREMENTS.—Maps developed under the  
10      project shall include hydrologic and hydraulic information  
11      and shall accurately show the flood inundation of each  
12      property by flood risk in the floodplain. The maps shall  
13      be produced in a high resolution format and shall be made  
14      available to all flood prone areas along the Little Calumet  
15      River, Chicago, Illinois, in an electronic format.

16      (c) PARTICIPATION OF FEMA.—The Secretary and  
17      the non-Federal interests for the project shall work with  
18      the Director of the Federal Emergency Management  
19      Agency to ensure the validity of the maps developed under  
20      the project for flood insurance purposes.

21      (d) FORMS OF ASSISTANCE.—In carrying out the  
22      project, the Secretary may enter into contracts or coopera-  
23      tive agreements with the non-Federal interests or provide  
24      reimbursements of project costs.

1 (e) FEDERAL SHARE.—The Federal share of the cost  
2 of the project shall be 50 percent.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$2,000,000.

6 **SEC. 5071. NATALIE CREEK, MIDLOTHIAN AND OAK FOR-**  
7 **EST, ILLINOIS.**

8 The Secretary shall carry out a project for flood dam-  
9 age reduction under section 205 of the Flood Control Act  
10 of 1948 (33 U.S.C. 701s), Natalie Creek, Midlothian and  
11 Oak Forest, Illinois, if the Secretary determines that the  
12 project is feasible.

13 **SEC. 5072. ILLINOIS RIVER BASIN RESTORATION.**

14 (a) EXTENSION OF AUTHORIZATION.—Section  
15 519(c)(2) of the Water Resources Development Act of  
16 2000 (114 Stat. 2654) is amended by striking “2004” and  
17 inserting “2010”.

18 (b) IN-KIND SERVICES.—Section 519(g)(3) of such  
19 Act (114 Stat. 2655) is amended by inserting before the  
20 period at the end of the first sentence “if such services  
21 are provided not more than 5 years before the date of initi-  
22 ation of the project or activity”.

23 (c) NONPROFIT ENTITIES AND MONITORING.—Sec-  
24 tion 519 of such Act (114 Stat. 2654) is amended by add-  
25 ing at the end the following:

1       “(h) NONPROFIT ENTITIES.—Notwithstanding sec-  
2 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
3 1962d–5b(b)), a non-Federal interest may include a non-  
4 profit entity with the consent of the affected local govern-  
5 ment.

6       “(i) MONITORING.—The Secretary shall develop an  
7 Illinois river basin monitoring program to support the plan  
8 referred to in subsection (b). Data collected under the  
9 monitoring program shall incorporate data provided by the  
10 State of Illinois and shall be publicly accessible through  
11 electronic means.”.

12 **SEC. 5073. PROMONTORY POINT, LAKE MICHIGAN, ILLI-**  
13 **NOIS.**

14       In carrying out the project for storm damage reduc-  
15 tion and shoreline erosion protection, Lake Michigan, au-  
16 thorized by section 101(a)(12) of the Water Resources De-  
17 velopment Act of 1996 (110 Stat. 3664), the Secretary  
18 shall reconstruct the Promontory Point section consistent  
19 with the original limestone step design. Additional costs  
20 associated with such reconstruction shall be a non-Federal  
21 responsibility. The costs of reconstruction not consistent  
22 with the original limestone step design shall be a non-Fed-  
23 eral responsibility.

1   **SEC. 5074. SOUTHWEST ILLINOIS.**

2           (a) SOUTHWEST ILLINOIS DEFINED.—In this sec-  
3   tion, the term “Southwest Illinois” means the counties of  
4   Madison, St. Clair, Monroe, Randolph, Perry, Franklin,  
5   Jackson, Union, Alexander, Pulaski, and Williamson, Illi-  
6   nois.

7           (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
8   may establish a program to provide environmental assist-  
9   ance to non-Federal interests in Southwest Illinois.

10          (c) FORM OF ASSISTANCE.—Assistance under this  
11   section may be in the form of design and construction as-  
12   sistance for water-related environmental infrastructure  
13   and resource protection and development projects in  
14   Southwest Illinois, including projects for wastewater treat-  
15   ment and related facilities, water supply and related facili-  
16   ties, and surface water resource protection and develop-  
17   ment.

18          (d) OWNERSHIP REQUIREMENT.—The Secretary may  
19   provide assistance for a project under this section only if  
20   the project is publicly owned.

21          (e) PARTNERSHIP AGREEMENTS.—

22               (1) IN GENERAL.—Before providing assistance  
23   under this section, the Secretary shall enter into a  
24   partnership agreement with a non-Federal interest  
25   to provide for design and construction of the project  
26   to be carried out with the assistance.



1           (2) REQUIREMENTS.—Each partnership agree-  
2           ment entered into under this subsection shall provide  
3           for the following:

4                   (A) PLAN.—Development by the Secretary,  
5                   in consultation with appropriate Federal and  
6                   State officials, of a facilities or resource protec-  
7                   tion and development plan, including appro-  
8                   priate engineering plans and specifications.

9                   (B) LEGAL AND INSTITUTIONAL STRUC-  
10                  TURES.—Establishment of such legal and insti-  
11                  tutional structures as are necessary to ensure  
12                  the effective long-term operation of the project  
13                  by the non-Federal interest.

14           (3) COST SHARING.—

15                   (A) IN GENERAL.—The Federal share of  
16                   the project costs under each partnership agree-  
17                   ment entered into under this subsection shall be  
18                   75 percent. The Federal share may be in the  
19                   form of grants or reimbursements of project  
20                   costs.

21                   (B) CREDIT FOR WORK.—The non-Federal  
22                   interests shall receive credit for the reasonable  
23                   cost of design work on a project completed by  
24                   the non-Federal interest before entering into a

1 partnership agreement with the Secretary for  
2 such project.

3 (C) CREDIT FOR INTEREST.—In case of a  
4 delay in the funding of the non-Federal share  
5 of a project that is the subject of an agreement  
6 under this section, the non-Federal interest  
7 shall receive credit for reasonable interest in-  
8 curred in providing the non-Federal share of  
9 the project's costs.

10 (D) LAND, EASEMENTS, AND RIGHTS-OF-  
11 WAY CREDIT.—The non-Federal interest shall  
12 receive credit for land, easements, rights-of-  
13 way, and relocations toward the non-Federal  
14 share of project costs (including all reasonable  
15 costs associated with obtaining permits nec-  
16 essary for the construction, operation, and  
17 maintenance of the project on publicly owned or  
18 controlled land), but not to exceed 25 percent  
19 of total project costs.

20 (E) OPERATION AND MAINTENANCE.—The  
21 non-Federal share of operation and mainte-  
22 nance costs for projects constructed with assist-  
23 ance provided under this section shall be 100  
24 percent.

1 (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
2 LAWS.—Nothing in this section waives, limits, or other-  
3 wise affects the applicability of any provision of Federal  
4 or State law that would otherwise apply to a project to  
5 be carried out with assistance provided under this section.

6 (g) NONPROFIT ENTITIES.—Notwithstanding section  
7 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
8 1962d-5b(b)), for any project undertaken under this sec-  
9 tion, a non-Federal interest may include a nonprofit enti-  
10 ty.

11 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent  
12 of the amounts appropriated to carry out this section may  
13 be used by the Corps of Engineers district offices to ad-  
14 minister projects under this section at 100 percent Fed-  
15 eral expense.

16 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to carry out this section  
18 \$40,000,000. Such sums shall remain available until ex-  
19 pended.

20 **SEC. 5075. BURNS WATERWAY HARBOR, INDIANA.**

21 The Secretary shall conduct a study of shoaling in  
22 the vicinity of Burns Waterway Harbor, Indiana, to deter-  
23 mine if the shoaling is the result of a Federal navigation  
24 project, and, if the Secretary determines that the shoaling  
25 is the result of a Federal navigation project, the Secretary

1 shall carry out a project to mitigate the shoaling under  
2 section 111 of the River and Harbor Act of 1968 (33  
3 U.S.C. 426).

4 **SEC. 5076. CALUMET REGION, INDIANA.**

5 Section 219(f)(12) of the Water Resources Develop-  
6 ment Act of 1992 (113 Stat. 335; 117 Stat. 1843) is  
7 amended—

8 (1) by striking “\$30,000,000” and inserting the  
9 following:

10 “(A) IN GENERAL.—\$30,000,000”;

11 (2) by adding at the end the following:

12 “(B) CREDIT.—The Secretary shall credit  
13 toward the non-Federal share of the cost of the  
14 project the cost of planning and design work  
15 carried out by the non-Federal interest before,  
16 on, or after the date of the partnership agree-  
17 ment for the project if the Secretary determines  
18 that the work is integral to the project.”; and

19 (3) by aligning the remainder of the text of  
20 subparagraph (A) (as designated by paragraph (1)  
21 of this section) with subparagraph (B) (as added by  
22 paragraph (2) of this section).

23 **SEC. 5077. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.**

24 (a) IN GENERAL.—The Secretary shall provide as-  
25 sistance for a project to develop maps identifying 100- and

1 500-year flood inundation areas in the State of Iowa,  
2 along the Missouri River.

3 (b) REQUIREMENTS.—Maps developed under the  
4 project shall include hydrologic and hydraulic information  
5 and shall accurately portray the flood hazard areas in the  
6 floodplain. The maps shall be produced in a high resolu-  
7 tion format and shall be made available to the State of  
8 Iowa in an electronic format.

9 (c) PARTICIPATION OF FEMA.—The Secretary and  
10 the non-Federal interests for the project shall work with  
11 the Director of the Federal Emergency Management  
12 Agency to ensure the validity of the maps developed under  
13 the project for flood insurance purposes.

14 (d) FORMS OF ASSISTANCE.—In carrying out the  
15 project, the Secretary may enter into contracts or coopera-  
16 tive agreements with the non-Federal interests or provide  
17 reimbursements of project costs.

18 (e) FEDERAL SHARE.—The Federal share of the cost  
19 of the project shall be 50 percent.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to carry out this section  
22 \$3,000,000.

23 **SEC. 5078. RATHBUN LAKE, IOWA.**

24 (a) CONVEYANCE.—The Secretary shall convey the  
25 remaining water supply storage allocation in Rathbun

1 Lake, Iowa, to the Rathbun Regional Water Association  
2 (in this section referred to as the “Water Association”).

3 (b) COST SHARING.—Notwithstanding the Water  
4 Supply Act of 1958 (43 U.S.C. 390b), the Water Associa-  
5 tion shall pay 100 percent of the cost of the water supply  
6 storage allocation to be conveyed under subsection (a).  
7 The Secretary shall credit toward such non-Federal share  
8 the cost of any structures and facilities constructed by the  
9 Water Association at the project.

10 (c) TERMS AND CONDITIONS.—Before conveying the  
11 water supply storage allocation under subsection (a), the  
12 Secretary shall enter into an agreement with the Water  
13 Association, under which the Water Association shall  
14 agree to—

15 (1) in accordance with designs approved by the  
16 Chief of Engineers, construct structures and facili-  
17 ties referred to in subsection (b) that have a value  
18 equal to or greater than the amount that otherwise  
19 would be paid to the Federal Government for the  
20 costs of the water supply storage under the Water  
21 Supply Act of 1958 (43 U.S.C. 390b);

22 (2) be responsible for operating and maintain-  
23 ing the structures and facilities;

24 (3) pay all operation and maintenance costs al-  
25 located to the water supply storage space;

1           (4) use any revenues generated at the struc-  
 2           tures and facilities that are above those required to  
 3           operate and maintain or improve the complex to un-  
 4           dertake, subject to the approval of the Chief of En-  
 5           gineers, activities that will improve the quality of the  
 6           environment in the Rathbun Lake watershed area;  
 7           and

8           (5) such other terms and conditions as the Sec-  
 9           retary considers necessary to protect the interests of  
 10          the United States.

11 **SEC. 5079. CUMBERLAND RIVER BASIN, KENTUCKY.**

12          At reservoirs managed by the Secretary above Cum-  
 13          berland River mile 385.5 within the Cumberland River  
 14          basin, Kentucky, the Secretary shall charge fees associ-  
 15          ated with storage and maintenance of water supply that  
 16          do not exceed the fees in effect on October 1, 2002.

17 **SEC. 5080. LOUISVILLE, KENTUCKY.**

18          (a) IN GENERAL.—Section 557 of the Water Re-  
 19          sources Development Act of 1999 (113 Stat. 353) is  
 20          amended—

21               (1) in the section heading by inserting “**KEN-**  
 22               **TUCKY AND**” before “**NORTHERN WEST VIR-**  
 23               **GINIA**”; and

24               (2) by adding at the end the following:

1           “(4) LOUISVILLE, KENTUCKY.—Report of the  
 2           Corps of Engineers entitled ‘Louisville Waterfront  
 3           Park, Phase II, Kentucky, Master Plan’, dated July  
 4           22, 2002, at a total cost of \$32,000,000, with an es-  
 5           timated Federal cost of \$16,000,000 and an esti-  
 6           mated non-Federal cost of \$16,000,000.”.

7           (b) CONFORMING AMENDMENT.—In the table of con-  
 8           tents contained in section 1(b) of such Act strike the item  
 9           relating to section 557 and insert the following:

          “Sec. 557. Kentucky and Northern West Virginia.”.

10   **SEC. 5081. MAYFIELD CREEK AND TRIBUTARIES, KEN-**  
 11                           **TUCKY.**

12           The Secretary shall conduct a study of flood damage  
 13           along Mayfield Creek and tributaries between Wickliffe  
 14           and Mayfield, Kentucky, to determine if the damage is the  
 15           result of a Federal flood damage reduction project, and,  
 16           if the Secretary determines that the damage is the result  
 17           of a Federal flood damage reduction project, the Secretary  
 18           shall carry out a project to mitigate the damage at Federal  
 19           expense.

20   **SEC. 5082. NORTH FORK, KENTUCKY RIVER, BREATHITT**  
 21                           **COUNTY, KENTUCKY.**

22           The Secretary shall rebuild the structure that is im-  
 23           peding high water flows on the North Fork of the Ken-  
 24           tucky River in Breathitt County, Kentucky, in a manner  
 25           that will reduce flood damages at an estimated total cost



1 of \$1,800,000. The non-Federal interest shall provide  
2 lands, easements, rights-of-way, relocations, and disposal  
3 areas required for the project. Operation and maintenance  
4 of the rebuilt structure shall be a non-Federal expense.

5 **SEC. 5083. PADUCAH, KENTUCKY.**

6 The Secretary shall complete a feasibility report for  
7 rehabilitation of the project for flood damage reduction,  
8 Paducah, Kentucky, and, if the Secretary determines that  
9 the project is feasible, the Secretary shall carry out the  
10 project at a total cost of \$3,000,000.

11 **SEC. 5084. SOUTHERN AND EASTERN KENTUCKY.**

12 Section 531 of the Water Resources Development Act  
13 of 1996 (110 Stat. 3773; 113 Stat. 348; 117 Stat. 142)  
14 is amended by adding the following:

15 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
16 of the amounts appropriated to carry out this section may  
17 be used by the Corps of Engineers district offices to ad-  
18 minister projects under this section at 100 percent Fed-  
19 eral expense.”.

20 **SEC. 5085. WINCHESTER, KENTUCKY.**

21 Section 219(c) of the Water Resources Development  
22 Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219) is  
23 amended by adding at the end the following:

24 “(41) WINCHESTER, KENTUCKY.—Wastewater  
25 infrastructure, Winchester, Kentucky.”.

1 **SEC. 5086. BATON ROUGE, LOUISIANA.**

2 Section 219(f)(21) of the Water Resources Develop-  
3 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
4 is amended by striking “\$20,000,000” and inserting  
5 “\$35,000,000”.

6 **SEC. 5087. CALCASIEU SHIP CHANNEL, LOUISIANA.**

7 The Secretary shall expedite completion of a dredged  
8 material management plan for the Calcasieu Ship Chan-  
9 nel, Louisiana, and may take interim measures to increase  
10 the capacity of existing disposal areas, or to construct new  
11 confined or beneficial use disposal areas, for the channel.

12 **SEC. 5088. CROSS LAKE, SHREVEPORT, LOUISIANA.**

13 The Secretary may accept from the Department of  
14 the Air Force, and may use, not to exceed \$4,500,000 to  
15 assist the city of Shreveport, Louisiana, with its plan to  
16 construct a water intake facility.

17 **SEC. 5089. LAKE PONTCHARTRAIN, LOUISIANA.**

18 For purposes of carrying out section 121 of the Fed-  
19 eral Water Pollution Control Act (33 U.S.C. 1271), the  
20 Lake Pontchartrain, Louisiana, basin stakeholders con-  
21 ference convened by the Environmental Protection Agen-  
22 cy, National Oceanic and Atmospheric Administration,  
23 and United States Geological Survey on February 25,  
24 2002, shall be treated as being a management conference  
25 convened under section 320 of such Act (33 U.S.C. 1330).

1 **SEC. 5090. WEST BATON ROUGE PARISH, LOUISIANA.**

2 (a) MODIFICATION OF STUDY.—The study for water-  
3 front and riverine preservation, restoration, and enhance-  
4 ment, Mississippi River, West Baton Rouge Parish, Lou-  
5 isiana, being carried out under Committee Resolution  
6 2570 of the Committee on Transportation and Infrastruc-  
7 ture of the House of Representatives adopted July 23,  
8 1998, is modified—

9 (1) to add West Feliciana Parish and East  
10 Baton Rouge Parish to the geographic scope of the  
11 study; and

12 (2) to direct the Secretary to credit toward the  
13 non-Federal share the cost of the study and the non-  
14 Federal share of the cost of any project authorized  
15 by law as a result of the study the cost of work car-  
16 ried out by the non-Federal interest before the date  
17 of the partnership agreement for the project if the  
18 Secretary determines that the work is integral to the  
19 study or project, as the case may be.

20 (b) EXPEDITED CONSIDERATION.—Section 517(5) of  
21 the Water Resources Development Act of 1999 (113 Stat.  
22 345) is amended to read as follows:

23 “(5) Mississippi River, West Baton Rouge,  
24 West Feliciana, and East Baton Rouge Parishes,  
25 Louisiana, project for waterfront and riverine pres-

1       ervation, restoration, and enhancement modifica-  
2       tions.”.

3   **SEC. 5091. CHARLESTOWN, MARYLAND.**

4       (a) IN GENERAL.—The Secretary may carry out a  
5       project for nonstructural flood damage reduction and eco-  
6       system restoration at Charlestown, Maryland.

7       (b) LAND ACQUISITION.—The flood damage reduc-  
8       tion component of the project may include the acquisition  
9       of private property from willing sellers.

10      (c) JUSTIFICATION.—Any nonstructural flood dam-  
11      age reduction project to be carried out under this section  
12      that will result in the conversion of property to use for  
13      ecosystem restoration and wildlife habitat shall be justified  
14      based on national ecosystem restoration benefits.

15      (d) USE OF ACQUIRED PROPERTY.—Property ac-  
16      quired under this section shall be maintained in public  
17      ownership for ecosystem restoration and wildlife habitat.

18      (e) ABILITY TO PAY.—In determining the appro-  
19      priate non-Federal cost share for the project, the Sec-  
20      retary shall determine the ability of Cecil County, Mary-  
21      land, to participate as a cost-sharing non-Federal interest  
22      in accordance with section 103(m) of the Water Resources  
23      Development Act of 1986 (33 U.S.C. 2213(m)).

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$2,000,000 to carry out this  
3 section.

4 **SEC. 5092. DELMARVA CONSERVATION CORRIDOR, MARY-**  
5 **LAND AND DELAWARE.**

6 (a) ASSISTANCE.—The Secretary may provide tech-  
7 nical assistance to the Secretary of Agriculture for use in  
8 carrying out the Conservation Corridor Demonstration  
9 Program established under subtitle G of title II of the  
10 Farm Security and Rural Investment Act of 2002 (16  
11 U.S.C. 3801 note; 116 Stat. 275).

12 (b) COORDINATION AND INTEGRATION.—In carrying  
13 out water resources projects in Maryland and Delaware  
14 on the Delmarva Peninsula, the Secretary shall coordinate  
15 and integrate those projects, to the maximum extent prac-  
16 ticable, with any activities carried out to implement a con-  
17 servation corridor plan approved by the Secretary of Agri-  
18 culture under section 2602 of the Farm Security and  
19 Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116  
20 Stat. 275).

21 **SEC. 5093. MASSACHUSETTS DREDGED MATERIAL DIS-**  
22 **POSAL SITES.**

23 The Secretary may cooperate with Massachusetts in  
24 the management and long-term monitoring of aquatic  
25 dredged material disposal sites within the State, and is

1 authorized to accept funds from the State to carry out  
2 such activities.

3 **SEC. 5094. ONTONAGON HARBOR, MICHIGAN.**

4       The Secretary shall conduct a study of shore damage  
5 in the vicinity of the project for navigation, Ontonagon  
6 Harbor, Ontonagon County, Michigan, authorized by sec-  
7 tion 101 of the Rivers and Harbors Act of 1962 (76 Stat.  
8 1176, 100 Stat. 4213, 110 Stat. 3730), to determine if  
9 the damage is the result of a Federal navigation project,  
10 and, if the Secretary determines that the damage is the  
11 result of a Federal navigation project, the Secretary shall  
12 carry out a project to mitigate the damage under section  
13 111 of the River and Harbor Act of 1968 (33 U.S.C.  
14 426i).

15 **SEC. 5095. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

16       (a) ECOSYSTEM RESTORATION.—The Secretary shall  
17 carry out feasible aquatic ecosystem restoration projects  
18 identified in the comprehensive management plan for St.  
19 Clair River and Lake St. Clair, Michigan, developed under  
20 section 426 of the Water Resources Development Act of  
21 1999 (113 Stat. 326), at a total Federal cost of not to  
22 exceed \$5,000,000.  
23

1 (b) PLAN.—Section 426(d) of the Water Resources  
 2 Development Act of 1999 (113 Stat. 326) is amended by  
 3 striking “\$400,000” and inserting “\$475,000”.

4 **SEC. 5096. CROOKSTON, MINNESOTA.**

5 The Secretary shall conduct a study for a project for  
 6 emergency streambank protection along the Red Lake  
 7 River in Crookston, Minnesota, and, if the Secretary de-  
 8 termines that the project is feasible, the Secretary may  
 9 carry out the project under section 14 of the Flood Control  
 10 Act of 1946 (33 U.S.C. 701r); except that the maximum  
 11 amount of Federal funds that may be expended for the  
 12 project shall be \$6,500,000.

13 **SEC. 5097. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

14 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of  
 15 the Water Resources Development Act of 1992 (114 Stat.  
 16 2763A–221) is amended—

17 (1) in the paragraph heading by striking  
 18 “TOWNSHIP” and inserting “TOWNSHIP AND CROW  
 19 WING AND MILLE LACS COUNTIES”;

20 (2) by striking “\$11,000,000” and inserting  
 21 “\$17,000,000”;

22 (3) by inserting “, Crow Wing County, Mille  
 23 Lacs County,” after “Garrison”; and

24 (4) by adding at the end the following: “Such  
 25 assistance shall be provided directly to the Garrison-

1 Kathio-West Mille Lacs Lake Sanitary District,  
2 Minnesota.”.

3 (b) PROCEDURES.—In carrying out the project au-  
4 thorized by such section 219(f)(61), the Secretary may use  
5 the cost sharing and contracting procedures available to  
6 the Secretary under section 569 of the Water Resources  
7 Development Act of 1999 (113 Stat. 368).

8 **SEC. 5098. MINNEAPOLIS, MINNESOTA.**

9 (a) CONVEYANCE.—The Secretary shall convey to the  
10 city of Minneapolis by quitclaim deed and without consid-  
11 eration all right, title, and interest of the United States  
12 to the property known as the War Department (Fort  
13 Snelling Interceptor) Tunnel in Minneapolis, Minnesota.

14 (b) APPLICABILITY OF PROPERTY SCREENING PRO-  
15 VISIONS.—Section 2696 of title 10, United States Code,  
16 shall not apply to the conveyance under this section.

17 **SEC. 5099. NORTHEASTERN MINNESOTA.**

18 (a) IN GENERAL.—Section 569 of the Water Re-  
19 sources Development Act of 1999 (113 Stat. 368) is  
20 amended—

21 (1) in subsection (a) by striking “Benton,  
22 Sherburne,” and inserting “Beltrami, Hubbard,  
23 Wadena,”;

24 (2) by striking the last sentence of subsection

25 (e)(3)(B);



1           (3) by striking subsection (g) and inserting the  
2           following:

3           “(g) NONPROFIT ENTITIES.—Notwithstanding sec-  
4           tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
5           1962d–5b(b)), for any project undertaken under this sec-  
6           tion, a non-Federal interest may include a nonprofit enti-  
7           ty.”; and

8           (4) by adding at the end the following:

9           “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
10          of the amounts appropriated to carry out this section may  
11          be used by the Corps of Engineers district offices to ad-  
12          minister projects under this section at 100 percent Fed-  
13          eral expense.”.

14          (b) BIWABIK, MINNESOTA.—The Secretary shall re-  
15          imburse the non-Federal interest for the project for envi-  
16          ronmental infrastructure, Biwabik, Minnesota, carried out  
17          under section 569 of the Water Resources Development  
18          Act of 1999 (113 Stat. 368), for planning, design, and  
19          construction costs that were incurred by the non-Federal  
20          interest with respect to the project before the date of the  
21          partnership agreement for the project and that were in  
22          excess of the non-Federal share of the cost of the project  
23          if the Secretary determines that the costs are appropriate.

1 **SEC. 5100. HARRISON, HANCOCK, AND JACKSON COUNTIES,**  
2 **MISSISSIPPI.**

3 In carrying out projects for the protection, restora-  
4 tion, and creation of aquatic and ecologically related habi-  
5 tats located in Harrison, Hancock, and Jackson Counties,  
6 Mississippi, under section 204 of the Water Resources De-  
7 velopment Act of 1992 (33 U.S.C. 2326), the Secretary  
8 shall accept any portion of the non-Federal share of the  
9 cost of the project in the form of in-kind services and ma-  
10 terials.

11 **SEC. 5101. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

12 As a part of the operation and maintenance of the  
13 project for the Mississippi River (Regulating Works), be-  
14 tween the Ohio and Missouri Rivers, Missouri and Illinois,  
15 authorized by the first section of an Act entitled “Making  
16 appropriations for the construction, repair, and preserva-  
17 tion of certain public works on rivers and harbors, and  
18 for other purposes”, approved June 25, 1910, the Sec-  
19 retary may carry out activities necessary to restore and  
20 protect fish and wildlife habitat in the middle Mississippi  
21 River system. Such activities may include modification of  
22 navigation training structures, modification and creation  
23 of side channels, modification and creation of islands, and  
24 studies and analysis necessary to apply adaptive manage-  
25 ment principles in design of future work.

1 **SEC. 5102. ST. LOUIS, MISSOURI.**

2 Section 219(f)(32) of the Water Resources Develop-  
3 ment Act of 1992 (113 Stat. 337) is amended by striking  
4 “\$15,000,000” and inserting “\$35,000,000”.

5 **SEC. 5103. ACID BROOK, POMPTON LAKES, NEW JERSEY.**

6 The Secretary shall carry out a project for flood dam-  
7 age reduction under section 205 of the Flood Control Act  
8 of 1948 (33 U.S.C. 701s), Acid Brook, Pompton Lakes,  
9 New Jersey, if the Secretary determines that the project  
10 is feasible.

11 **SEC. 5104. HACKENSACK MEADOWLANDS AREA, NEW JER-**  
12 **SEY.**

13 Section 324 of the Water Resources Development Act  
14 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

15 (1) in subsection (a)—

16 (A) by striking “design” and inserting  
17 “planning, design,”; and

18 (B) by striking “Hackensack Meadowlands  
19 Development” and all that follows through  
20 “Plan for” and inserting “New Jersey  
21 Meadowlands Commission for the development  
22 of an environmental improvement program for”;

23 (2) in subsection (b)—

24 (A) in the subsection heading by striking  
25 “REQUIRED”;

1 (B) by striking “shall” and inserting  
2 “may”;

3 (C) by striking paragraph (1) and insert-  
4 ing the following:

5 “(1) Restoration and acquisitions of significant  
6 wetlands and aquatic habitat that contribute to the  
7 Meadowlands ecosystem.”;

8 (D) in paragraph (2) by inserting “and  
9 aquatic habitat” before the period at the end;  
10 and

11 (E) by striking paragraph (7) and insert-  
12 ing the following:

13 “(7) Research, development, and implementa-  
14 tion for a water quality improvement program, in-  
15 cluding restoration of hydrology and tidal flows and  
16 remediation of hot spots and other sources of con-  
17 taminants that degrade existing or planned sites.”;

18 (3) in subsection (c) by inserting before the last  
19 sentence the following: “The non-Federal sponsor  
20 may also provide in-kind services, not to exceed the  
21 non-Federal share of the total project cost, and may  
22 also receive credit for reasonable cost of design work  
23 completed prior to entering into the partnership  
24 agreement with the Secretary for a project to be car-

1       ried out under the program developed under sub-  
2       section (a).”; and

3               (4) in subsection (d) by striking “\$5,000,000”  
4       and inserting “\$35,000,000”.

5   **SEC. 5105. CENTRAL NEW MEXICO, NEW MEXICO.**

6       (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
7   593(h) of the Water Resources Development Act of 1999  
8   (113 Stat. 381) is amended by striking “\$25,000,000”  
9   and inserting “\$40,000,000”.

10      (b) CORPS OF ENGINEERS EXPENSES.—Section 593  
11   of such Act (113 Stat. 381) is amended by adding at the  
12   end the following:

13      “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
14   of the amounts appropriated to carry out this section may  
15   be used by the Corps of Engineers district offices to ad-  
16   minister projects under this section at 100 percent Fed-  
17   eral expense.”.

18   **SEC. 5106. ATLANTIC COAST OF NEW YORK.**

19      (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of  
20   the Water Resources Development Act of 1992 (106 Stat.  
21   4863) is amended—

22               (1) by striking “processes” and inserting “and  
23       related environmental processes”;

24               (2) by inserting after “Atlantic Coast” the fol-  
25       lowing: “(and associated back bays)”;

1           (3) by inserting after “actions” the following: “,  
2       environmental restoration or conservation measures  
3       for coastal and back bays,”; and

4           (4) by adding at the end the following: “The  
5       plan for collecting data and monitoring information  
6       included in such annual report shall be fully coordi-  
7       nated with and agreed to by appropriate agencies of  
8       the State of New York.”.

9       (b) ANNUAL REPORTS.—Section 404(b) of such Act  
10   is amended—

11           (1) by striking “INITIAL PLAN.—Not later than  
12       12 months after the date of the enactment of this  
13       Act, the” and inserting “ANNUAL REPORTS.—The”;

14           (2) by striking “initial plan for data collection  
15       and monitoring” and inserting “annual report of  
16       data collection and monitoring activities”; and

17           (3) by striking the last sentence.

18       (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
19   404(c) of such Act (113 Stat. 341) is amended by striking  
20   “and an additional total of \$2,500,000 for fiscal years  
21   thereafter” and inserting “\$2,500,000 for fiscal years  
22   2000 through 2004, and \$7,500,000 for fiscal years begin-  
23   ning after September 30, 2004,”.

1 (d) TSUNAMI WARNING SYSTEM.—Section 404 of the  
2 Water Resources Development Act of 1992 (106 Stat.  
3 4863) is amended by adding at the end the following:

4 “(d) TSUNAMI WARNING SYSTEM.—There is author-  
5 ized to be appropriated \$800,000 for the Secretary to  
6 carry out a project for a tsunami warning system, Atlantic  
7 Coast of New York.”.

8 **SEC. 5107. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

9 In carrying out section 312 of the Water Resources  
10 Development Act of 1990 (104 Stat. 4639), the Secretary  
11 shall give priority to work in College Point, New York  
12 City, New York.

13 **SEC. 5108. FLUSHING BAY AND CREEK, NEW YORK CITY,**  
14 **NEW YORK.**

15 The Secretary shall credit toward the non-Federal  
16 share of the cost of the project for ecosystem restoration,  
17 Flushing Bay and Creek, New York City, New York, the  
18 cost of design and construction work carried out by the  
19 non-Federal interest before the date of the partnership  
20 agreement for the project if the Secretary determines that  
21 the work is integral to the project.

22 **SEC. 5109. HUDSON RIVER, NEW YORK.**

23 The Secretary may participate with the State of New  
24 York, New York City, and the Hudson River Park Trust  
25 in carrying out activities to restore critical marine habitat,

1 improve safety, and protect and rehabilitate critical infra-  
2 structure. There is authorized to be appropriated  
3 \$5,000,000 to carry out this section.

4 **SEC. 5110. MOUNT MORRIS DAM, NEW YORK.**

5 As part of the operation and maintenance of the  
6 Mount Morris Dam, New York, the Secretary may make  
7 improvements to the access road for the dam to provide  
8 safe access to a Federal visitor's center.

9 **SEC. 5111. ONONDAGA LAKE, NEW YORK.**

10 Section 573 of the Water Resources Development Act  
11 of 1999 (113 Stat. 372) is amended—

12 (1) in subsection (f) by striking “\$10,000,000”  
13 and inserting “\$30,000,000”;

14 (2) by redesignating subsections (f) and (g) as  
15 subsections (g) and (h), respectively; and

16 (3) by inserting after subsection (e) the fol-  
17 lowing:

18 “(f) NONPROFIT ENTITIES.—Notwithstanding sec-  
19 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
20 1962d–5b(b)), for any project carried out under this sec-  
21 tion, a non-Federal interest may include a nonprofit enti-  
22 ty, with the consent of the affected local government.”.



1 **SEC. 5112. JOHN H. KERR DAM AND RESERVOIR, NORTH**  
2 **CAROLINA.**

3 The Secretary shall expedite the completion of the  
4 calculations necessary to negotiate and execute a revised,  
5 permanent contract for water supply storage at John H.  
6 Kerr Dam and Reservoir, North Carolina, among the Sec-  
7 retary and the Kerr Lake Regional Water System and the  
8 city of Henderson, North Carolina.

9 **SEC. 5113. STANLY COUNTY, NORTH CAROLINA.**

10 Section 219(f)(64) of the Water Resources Develop-  
11 ment Act of 1992 (114 Stat. 2763A–221) is amended by  
12 inserting “water and” before “wastewater”.

13 **SEC. 5114. W. KERR SCOTT DAM AND RESERVOIR, NORTH**  
14 **CAROLINA.**

15 The Secretary shall remove debris from the joint in-  
16 take at the W. Kerr Scott Dam and Reservoir, North  
17 Carolina.

18 **SEC. 5115. OHIO.**

19 Section 594 of the Water Resources Development Act  
20 of 1999 (113 Stat. 381) is amended—

21 (1) in subsection (b) by striking “design and  
22 construction” and inserting “planning, design, and  
23 construction”;

24 (2) in subsection (g) by striking “\$60,000,000”  
25 and inserting “\$100,000,000”; and

26 (3) by adding at the end the following:

1       “(h) NONPROFIT ENTITIES.—Notwithstanding sec-  
2       tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
3       1962d–5(b)), for any project undertaken under this sec-  
4       tion, a non-Federal interest may include a nonprofit enti-  
5       ty, with the consent of the affected local government.”.

6       **SEC. 5116. TOUSSAINT RIVER, OHIO.**

7       (a) IN GENERAL.—The project for navigation, Tous-  
8       saint River, Carroll Township, Ohio, authorized by section  
9       107 of the River and Harbor Act of 1960 (33 U.S.C. 577),  
10      is modified to authorize the Secretary to enter into an  
11      agreement with the non-Federal interest under which the  
12      Secretary may—

13               (1) acquire, and transfer to the non-Federal in-  
14      terest, a dredge and associated equipment with the  
15      capacity to perform operation and maintenance of  
16      the project; and

17               (2) provide the non-Federal interest with a  
18      lump-sum payment to cover all future costs of oper-  
19      ation and maintenance of the project.

20      (b) AGREEMENT.—The Secretary may carry out sub-  
21      section (a)(1) by entering into an agreement with the non-  
22      Federal interest under which the non-Federal interest may  
23      acquire the dredge and associated equipment directly and  
24      be reimbursed by the Secretary.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated \$1,800,000 to carry out this  
3 section. Of such funds, \$500,000 may be used to carry  
4 out subsection (a)(1).

5 (d) RELEASE.—Upon the acquisition and transfer of  
6 a dredge and associated equipment under subsection  
7 (a)(1), and the payment of funds under subsection (a)(2),  
8 all future Federal responsibility for operation and mainte-  
9 nance of the project is extinguished.

10 **SEC. 5117. EUGENE, OREGON.**

11 (a) IN GENERAL.—The Secretary shall conduct a  
12 study to determine the feasibility of restoring the millrace  
13 in Eugene, Oregon, and, if the Secretary determines that  
14 the restoration is feasible, the Secretary shall carry out  
15 the restoration.

16 (b) CONSIDERATION OF NONECONOMIC BENEFITS.—  
17 In determining the feasibility of restoring the millrace, the  
18 Secretary shall include noneconomic benefits associated  
19 with the historical significance of the millrace and associ-  
20 ated with preservation and enhancement of resources.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$20,000,000.

1 **SEC. 5118. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**  
2 **EGON AND WASHINGTON.**

3 (a) IN GENERAL.—The Secretary shall pay not more  
4 than \$2,500,000 to the provider of research and curation  
5 support previously provided to the Federal Government as  
6 a result of—

7 (1) the multipurpose project at John Day Lock  
8 and Dam, Lake Umatilla, Oregon and Washington,  
9 authorized by section 101 of the River and Harbor  
10 Act of 1950 (64 Stat. 167); and

11 (2) the several navigation and flood damage re-  
12 duction projects constructed on the Columbia River  
13 and Lower Willamette River, Oregon and Wash-  
14 ington.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$2,500,000.

18 **SEC. 5119. LOWELL, OREGON.**

19 (a) IN GENERAL.—The Secretary may convey with-  
20 out consideration to Lowell School District, by quitclaim  
21 deed, all right, title, and interest of the United States in  
22 and to land and buildings thereon, known as Tract A-  
23 82, located in Lowell, Oregon, and described in subsection  
24 (b).

25 (b) DESCRIPTION OF PROPERTY.—The parcel of land  
26 authorized to be conveyed under subsection (a) is as fol-

1 lows: Commencing at the point of intersection of the west  
2 line of Pioneer Street with the westerly extension of the  
3 north line of Summit Street, in Meadows Addition to Low-  
4 ell, as platted and recorded at page 56 of Volume 4, Lane  
5 County Oregon Plat Records; thence north on the west  
6 line of Pioneer Street a distance of 176.0 feet to the true  
7 point of beginning of this description; thence north on the  
8 west line of Pioneer Street a distance of 170.0 feet; thence  
9 west at right angles to the west line of Pioneer Street a  
10 distance of 250.0 feet; thence south and parallel to the  
11 west line of Pioneer Street a distance of 170.0 feet; thence  
12 east 250.0 feet to the true point of beginning of this de-  
13 scription in Section 14, Township 19 South, Range 1 West  
14 of the Willamette Meridian, Lane County, Oregon.

15 (c) TERMS AND CONDITIONS.—Before conveying the  
16 parcel to the school district, the Secretary shall ensure  
17 that the conditions of buildings and facilities meet the re-  
18 quirements of applicable Federal law.

19 (d) REVERSION.—If the Secretary determines that  
20 the property conveyed under subsection (a) ceases to be  
21 held in public ownership, all right, title, and interest in  
22 and to the property shall revert to the United States, at  
23 the option of the United States.

24 (e) GENERALLY APPLICABLE PROVISIONS.—

1           (1) APPLICABILITY OF PROPERTY SCREENING  
 2 PROVISIONS.—Section 2696 of title 10, United  
 3 States Code, shall not apply to any conveyance  
 4 under this section.

5           (2) LIABILITY.—An entity to which a convey-  
 6 ance is made under this section shall hold the  
 7 United States harmless from any liability with re-  
 8 spect to activities carried out, on or after the date  
 9 of the conveyance, on the real property conveyed.  
 10 The United States shall remain responsible for any  
 11 liability with respect to activities carried out, before  
 12 such date, on the real property conveyed.

13 **SEC. 5120. ALLEGHENY COUNTY, PENNSYLVANIA.**

14       Section 219(f)(66) of the Water Resources Develop-  
 15 ment Act of 1992 (114 Stat. 2763A–221) is amended—

16           (1) by striking “\$20,000,000” and inserting the  
 17 following:

18                   “(A) IN GENERAL.—\$20,000,000”;

19           (2) by adding at the end the following:

20                   “(B) CREDIT.—The Secretary shall credit  
 21 toward the non-Federal share of the cost of the  
 22 project the cost of work carried out by the non-  
 23 Federal interest before the date of the partner-  
 24 ship agreement for the project if the Secretary

1 determines that the work is integral to the  
2 project.”; and

3 (3) by aligning the remainder of the text of  
4 subparagraph (A) (as designated by paragraph (1)  
5 of this section) with subparagraph (B) (as added by  
6 paragraph (2) of this section).

7 **SEC. 5121. CLINTON COUNTY, PENNSYLVANIA.**

8 Section 219(f)(13) of the Water Resources Develop-  
9 ment Act of 1992 (113 Stat. 335) is amended by striking  
10 “\$1,000,000” and inserting “\$2,000,000”.

11 **SEC. 5122. LEHIGH RIVER, LEHIGH COUNTY, PENNSYL-**  
12 **VANIA.**

13 The Secretary shall use existing water quality data  
14 to model the effects of the Francis E. Walter Dam, at  
15 different water levels, to determine its impact on water  
16 and related resources in and along the Lehigh River in  
17 Lehigh County, Pennsylvania. There is authorized to be  
18 appropriated \$500,000 to carry out this section.

19 **SEC. 5123. NORTHEAST PENNSYLVANIA.**

20 Section 219(f)(11) of the Water Resources Develop-  
21 ment Act of 1992 (113 Stat. 335) is amended by striking  
22 “and Monroe” and inserting “Northumberland, Union,  
23 Snyder, and Montour”.

1 **SEC. 5124. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**  
2 **VANIA AND NEW YORK.**

3 (a) STUDY AND STRATEGY DEVELOPMENT.—Section  
4 567(a) of the Water Resources Development Act of 1996  
5 (110 Stat. 3787; 114 Stat. 2662) is amended—

6 (1) in the matter preceding paragraph (1) by  
7 inserting “and carry out” after “develop”; and

8 (2) in paragraph (2) by striking  
9 “\$10,000,000.” and inserting “\$20,000,000, of  
10 which the Secretary may utilize not more than  
11 \$5,000,000 to design and construct feasible pilot  
12 projects during the development of the strategy to  
13 demonstrate alternative approaches for the strategy.  
14 The total cost for any single pilot project may not  
15 exceed \$500,000. The Secretary shall evaluate the  
16 results of the pilot projects and consider the results  
17 in the development of the strategy.”.

18 (b) COOPERATIVE AGREEMENTS.—Section 567(c) of  
19 such Act (114 Stat. 2662) is amended—

20 (1) in the subsection heading by striking “Co-  
21 operation” and inserting “COOPERATIVE”; and

22 (2) in the first sentence—

23 (A) by inserting “and carrying out” after  
24 “developing”; and

25 (B) by striking “cooperation” and insert-  
26 ing “cost-sharing and cooperative”.



1 (c) IMPLEMENTATION OF STRATEGY.—Section  
2 567(d) of such Act (114 Stat. 2663) is amended—

3 (1) by striking “The Secretary” and inserting  
4 the following:

5 “(1) IN GENERAL.—The Secretary”;

6 (2) in the second sentence of paragraph (1) (as  
7 so designated)—

8 (A) by striking “implement” and inserting  
9 “carry out”; and

10 (B) by striking “implementing” and insert-  
11 ing “carrying out”;

12 (3) by adding at the end the following:

13 “(2) PRIORITY PROJECT.—In carrying out  
14 projects to implement the strategy, the Secretary  
15 shall give priority to the project for ecosystem res-  
16 toration, Cooperstown, New York, described in the  
17 Upper Susquehanna River Basin—Cooperstown  
18 Area Ecosystem Restoration Feasibility Study, dated  
19 December 2004, prepared by the Corps of Engineers  
20 and the New York State Department of Environ-  
21 mental Conservation.”; and

22 (4) by aligning the remainder of the text of  
23 paragraph (1) (as designated by paragraph (1) of  
24 this subsection) with paragraph (2) (as added by  
25 paragraph (3) of this subsection).

1 (d) CREDIT.—Section 567 of such Act (110 Stat.  
2 3787; 114 Stat. 2662) is amended by adding at the end  
3 the following:

4 “(e) CREDIT.—The Secretary shall credit toward the  
5 non-Federal share of the cost of a project under this sec-  
6 tion—

7 “(1) the cost of design and construction work  
8 carried out by the non-Federal interest before the  
9 date of the partnership agreement for the project if  
10 the Secretary determines that the work is integral to  
11 the project; and

12 “(2) the cost of in-kind services and materials  
13 provided for the project by the non-Federal inter-  
14 est.”.

15 **SEC. 5125. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

16 The Secretary shall review a report prepared by the  
17 non-Federal interest concerning flood protection and envi-  
18 ronmental restoration for Cano Martin Pena, San Juan,  
19 Puerto Rico, and, if the Secretary determines that the re-  
20 port meets the evaluation and design standards of the  
21 Corps of Engineers and that the project is feasible, the  
22 Secretary may carry out the project at a total cost of  
23 \$130,000,000, with an estimated Federal cost of  
24 \$85,000,000 and an estimated non-Federal cost of  
25 \$45,000,000.

1 **SEC. 5126. BEAUFORT AND JASPER COUNTIES, SOUTH**  
2 **CAROLINA.**

3 The Secretary may accept from the Department of  
4 the Navy, and may use, not to exceed \$23,000,000 to as-  
5 sist the Beaufort Jasper Water and Sewage Authority,  
6 South Carolina, with its plan to consolidate civilian and  
7 military wastewater treatment facilities.

8 **SEC. 5127. EAST TENNESSEE.**

9 (a) **EAST TENNESSEE DEFINED.**—In this section,  
10 the term “East Tennessee” means the counties of Blount,  
11 Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

12 (b) **ESTABLISHMENT OF PROGRAM.**—The Secretary  
13 may establish a program to provide environmental assist-  
14 ance to non-Federal interests in East Tennessee.

15 (c) **FORM OF ASSISTANCE.**—Assistance under this  
16 section may be in the form of design and construction as-  
17 sistance for water-related environmental infrastructure  
18 and resource protection and development projects in East  
19 Tennessee, including projects for wastewater treatment  
20 and related facilities, water supply and related facilities,  
21 environmental restoration, and surface water resource pro-  
22 tection and development.

23 (d) **OWNERSHIP REQUIREMENT.**—The Secretary may  
24 provide assistance for a project under this section only if  
25 the project is publicly owned.

26 (e) **PARTNERSHIP AGREEMENTS.**—

1           (1) IN GENERAL.—Before providing assistance  
2           under this section, the Secretary shall enter into a  
3           partnership agreement with a non-Federal interest  
4           to provide for design and construction of the project  
5           to be carried out with the assistance.

6           (2) REQUIREMENTS.—Each partnership agree-  
7           ment entered into under this subsection shall provide  
8           for the following:

9                   (A) PLAN.—Development by the Secretary,  
10           in consultation with appropriate Federal and  
11           State officials, of a facilities or resource protec-  
12           tion and development plan, including appro-  
13           priate engineering plans and specifications.

14                   (B) LEGAL AND INSTITUTIONAL STRUC-  
15           TURES.—Establishment of such legal and insti-  
16           tutional structures as are necessary to ensure  
17           the effective long-term operation of the project  
18           by the non-Federal interest.

19           (3) COST SHARING.—

20                   (A) IN GENERAL.—The Federal share of  
21           the project cost under each partnership agree-  
22           ment entered into under this subsection shall be  
23           75 percent. The Federal share may be in the  
24           form of grants or reimbursements of project  
25           costs.

1 (B) CREDIT FOR WORK.—The non-Federal  
2 interests shall receive credit for the reasonable  
3 cost of design work on a project completed by  
4 the non-Federal interest before entering into a  
5 partnership agreement with the Secretary for  
6 such project.

7 (C) CREDIT FOR INTEREST.—In case of a  
8 delay in the funding of the non-Federal share  
9 of a project that is the subject of an agreement  
10 under this section, the non-Federal interest  
11 shall receive credit for reasonable interest in-  
12 curred in providing the non-Federal share of  
13 the project cost.

14 (D) LAND, EASEMENTS, AND RIGHTS-OF-  
15 WAY CREDIT.—The non-Federal interest shall  
16 receive credit for land, easements, rights-of-  
17 way, and relocations toward the non-Federal  
18 share of project cost (including all reasonable  
19 costs associated with obtaining permits nec-  
20 essary for the construction, operation, and  
21 maintenance of the project on publicly owned or  
22 controlled land), but not to exceed 25 percent  
23 of total project cost.

24 (E) OPERATION AND MAINTENANCE.—The  
25 non-Federal share of operation and mainte-

1            nance costs for projects constructed with assist-  
2            ance provided under this section shall be 100  
3            percent.

4            (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
5 LAWS.—Nothing in this section waives, limits, or other-  
6 wise affects the applicability of any provision of Federal  
7 or State law that would otherwise apply to a project to  
8 be carried out with assistance provided under this section.

9            (g) NONPROFIT ENTITIES.—Notwithstanding section  
10 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
11 1962d-5b(b)), for any project undertaken under this sec-  
12 tion, a non-Federal interest may include a nonprofit entity  
13 with the consent of the affected local government.

14            (h) CORPS OF ENGINEERS EXPENSES.—Ten percent  
15 of the amounts appropriated to carry out this section may  
16 be used by the Corps of Engineers district offices to ad-  
17 minister projects under this section at 100 percent Fed-  
18 eral expense.

19            (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$40,000,000. Such sums shall remain available until ex-  
22 pended.

23 **SEC. 5128. FRITZ LANDING, TENNESSEE.**

24            The Secretary shall—

1           (1) conduct a study of the Fritz Landing Agri-  
2           cultural Spur Levee, Tennessee, to determine the ex-  
3           tent of levee modifications that would be required to  
4           make the levee and associated drainage structures  
5           consistent with Federal standards;

6           (2) design and construct such modifications;  
7           and

8           (3) after completion of such modifications, in-  
9           corporate the levee into the project for flood control,  
10          Mississippi River and Tributaries, authorized by the  
11          Act entitled “An Act for the control of floods on the  
12          Mississippi River and its tributaries, and for other  
13          purposes”, approved May 15, 1928 (45 Stat. 534–  
14          539), commonly known as the “Flood Control Act of  
15          1928”.

16 **SEC. 5129. J. PERCY PRIEST DAM AND RESERVOIR, TEN-**  
17 **NESSEE.**

18          The Secretary shall plan, design, and construct a trail  
19          system at the J. Percy Priest Dam and Reservoir, Ten-  
20          nessee, authorized by section 4 of the Act entitled “An  
21          Act authorizing the construction of certain public works  
22          on rivers and harbors for flood control, and for other pur-  
23          poses”, approved June 28, 1938 (52 Stat. 1217), includ-  
24          ing design and construction of support facilities for public  
25          health and safety associated with trail development. In

1 carrying out such improvements, the Secretary is author-  
2 ized to use funds made available by the State of Tennessee  
3 from any Federal or State source, or both.

4 **SEC. 5130. TOWN CREEK, LENOIR CITY, TENNESSEE.**

5 The Secretary shall design and construct the project  
6 for flood damage reduction designated as Alternative 4 in  
7 the Town Creek, Lenoir City, Loudon County, Tennessee,  
8 feasibility report of the Nashville district engineer, dated  
9 November 2000, under the authority of section 205 of the  
10 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-  
11 standing section 1 of the Flood Control Act of June 22,  
12 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal  
13 share of the cost of the project shall be subject to section  
14 103(a) of the Water Resources Development Act of 1986  
15 (33 U.S.C. 2213(a)).

16 **SEC. 5131. TENNESSEE RIVER PARTNERSHIP.**

17 (a) IN GENERAL.—As part of the operation and  
18 maintenance of the project for navigation, Tennessee  
19 River, Tennessee, Alabama, Mississippi, and Kentucky,  
20 authorized by the first section of the River and Harbor  
21 Act of July 3, 1930 (46 Stat. 927), the Secretary may  
22 enter into a partnership with a nonprofit entity to remove  
23 debris from the Tennessee River in the vicinity of Knox-  
24 ville, Tennessee, by providing a vessel to such entity, at  
25 Federal expense, for such debris removal purposes.



1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$500,000.

4 **SEC. 5132. UPPER MISSISSIPPI EMBAYMENT, TENNESSEE,**  
5 **ARKANSAS, AND MISSISSIPPI.**

6 The Secretary may participate with non-Federal and  
7 nonprofit entities to address issues concerning managing  
8 groundwater as a sustainable resource through the Upper  
9 Mississippi Embayment, Tennessee, Arkansas, and Mis-  
10 sissippi, and coordinating the protection of groundwater  
11 supply and groundwater quality with local surface water  
12 protection programs. There is authorized to be appro-  
13 priated \$5,000,000 to carry out this section.

14 **SEC. 5133. BOSQUE RIVER WATERSHED, TEXAS.**

15 (a) COMPREHENSIVE PLAN.—The Secretary, in con-  
16 sultation with appropriate Federal, State, and local enti-  
17 ties, shall develop, as expeditiously as practicable, a com-  
18 prehensive plan for development of new technologies and  
19 innovative approaches for restoring, preserving, and pro-  
20 tecting the Bosque River watershed within Bosque, Ham-  
21 ilton, McLennan, and Erath Counties, Texas. The Sec-  
22 retary, in cooperation with the Secretary of Agriculture,  
23 may carry out activities identified in the comprehensive  
24 plan to demonstrate practicable alternatives for stabiliza-

1 tion and enhancement of land and water resources in the  
2 basin.

3 (b) SERVICES OF PUBLIC NON-PROFIT INSTITU-  
4 TIONS AND OTHER ENTITIES.—In carrying out subsection  
5 (a), the Secretary may utilize, through contracts or other  
6 means, the services of public non-profit institutions and  
7 such other entities as the Secretary considers appropriate.

8 (c) NON-FEDERAL SHARE.—

9 (1) IN GENERAL.—The non-Federal share of  
10 the cost of activities carried out under this section  
11 shall be 35 percent.

12 (2) CREDIT.—The Secretary shall credit toward  
13 the non-Federal share of the cost of activities car-  
14 ried out under this section the cost of planning, de-  
15 sign, and construction work completed by or on be-  
16 half of the non-Federal interests for implementation  
17 of measures constructed with assistance provided  
18 under this section. The amount of such credit shall  
19 not exceed the non-Federal share of the cost of such  
20 activities.

21 (3) OPERATION AND MAINTENANCE.—The non-  
22 Federal share of the cost of operation and mainte-  
23 nance for measures constructed with assistance pro-  
24 vided under this section shall be 100 percent.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$10,000,000.

4 **SEC. 5134. DALLAS COUNTY REGION, TEXAS.**

5 (a) DALLAS COUNTY REGION DEFINED.—In this sec-  
6 tion, the term “Dallas County region” means the city of  
7 Dallas, and the municipalities of DeSoto, Duncanville,  
8 Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill,  
9 Glenn Heights, and Ferris, Texas.

10 (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
11 may establish a program to provide environmental assist-  
12 ance to non-Federal interests in the Dallas County region.

13 (c) FORM OF ASSISTANCE.—Assistance under this  
14 section may be in the form of design and construction as-  
15 sistance for water-related environmental infrastructure  
16 and resource protection and development projects in the  
17 Dallas County region, including projects for wastewater  
18 treatment and related facilities, water supply and related  
19 facilities, environmental restoration, and surface water re-  
20 source protection and development.

21 (d) OWNERSHIP REQUIREMENT.—The Secretary may  
22 provide assistance for a project under this section only if  
23 the project is publicly owned.

24 (e) PARTNERSHIP AGREEMENTS.—

1           (1) IN GENERAL.—Before providing assistance  
2           under this section, the Secretary shall enter into a  
3           partnership agreement with a non-Federal interest  
4           to provide for design and construction of the project  
5           to be carried out with the assistance.

6           (2) REQUIREMENTS.—Each partnership agree-  
7           ment entered into under this subsection shall provide  
8           for the following:

9                   (A) PLAN.—Development by the Secretary,  
10           in consultation with appropriate Federal and  
11           State officials, of a facilities or resource protec-  
12           tion and development plan, including appro-  
13           priate engineering plans and specifications.

14                   (B) LEGAL AND INSTITUTIONAL STRUC-  
15           TURES.—Establishment of such legal and insti-  
16           tutional structures as are necessary to ensure  
17           the effective long-term operation of the project  
18           by the non-Federal interest.

19           (3) COST SHARING.—

20                   (A) IN GENERAL.—The Federal share of  
21           the project costs under each partnership agree-  
22           ment entered into under this subsection shall be  
23           75 percent. The Federal share may be in the  
24           form of grants or reimbursements of project  
25           costs.

1           (B) CREDIT FOR WORK.—The non-Federal  
2           interests shall receive credit for the reasonable  
3           cost of design work on a project completed by  
4           the non-Federal interest before entering into a  
5           partnership agreement with the Secretary for  
6           such project.

7           (C) CREDIT FOR INTEREST.—In case of a  
8           delay in the funding of the non-Federal share  
9           of a project that is the subject of an agreement  
10          under this section, the non-Federal interest  
11          shall receive credit for reasonable interest in-  
12          curred in providing the non-Federal share of  
13          the project's costs.

14          (D) LAND, EASEMENTS, AND RIGHTS-OF-  
15          WAY CREDIT.—The non-Federal interest shall  
16          receive credit for land, easements, rights-of-  
17          way, and relocations toward the non-Federal  
18          share of project costs (including all reasonable  
19          costs associated with obtaining permits nec-  
20          essary for the construction, operation, and  
21          maintenance of the project on publicly owned or  
22          controlled land), but such credit may not exceed  
23          25 percent of total project costs.

24          (E) OPERATION AND MAINTENANCE.—The  
25          non-Federal share of operation and mainte-

1            nance costs for projects constructed with assist-  
2            ance provided under this section shall be 100  
3            percent.

4            (f) APPLICABILITY OF OTHER FEDERAL AND STATE  
5 LAWS.—Nothing in this section waives, limits, or other-  
6 wise affects the applicability of any provision of Federal  
7 or State law that would otherwise apply to a project to  
8 be carried out with assistance provided under this section.

9            (g) NONPROFIT ENTITIES.—Notwithstanding section  
10 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
11 1962d-5b(b)), for any project undertaken under this sec-  
12 tion, a non-Federal interest may include a nonprofit enti-  
13 ty.

14            (h) CORPS OF ENGINEERS EXPENSES.—Ten percent  
15 of the amounts appropriated to carry out this section may  
16 be used by the Corps of Engineers district offices to ad-  
17 minister projects under this section at 100 percent Fed-  
18 eral expense.

19            (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$40,000,000. Such sums shall remain available until ex-  
22 pended.

23 **SEC. 5135. DALLAS FLOODWAY, DALLAS, TEXAS.**

24            (a) IN GENERAL.—The Secretary shall review the  
25 Balanced Vision Plan for the Trinity River Corridor, Dal-

1 las, Texas, dated December 2003 and amended in March  
2 2004, prepared by the non-Federal interest for the project  
3 for flood damage reduction and other purposes, Dallas  
4 Floodway, Dallas, Texas, and, if the Secretary determines  
5 that the project is technically sound and environmentally  
6 acceptable, shall carry out the project at a total cost of  
7 \$194,000,000, with an estimated Federal cost of  
8 \$126,100,000 and an estimated non-Federal cost of  
9 \$67,900,000.

10 (b) CREDIT.—

11 (1) IN-KIND CONTRIBUTIONS.—The Secretary  
12 shall credit toward the non-Federal share of the cost  
13 of the project the cost of planning, design, and con-  
14 struction work carried out by the non-Federal inter-  
15 est before the date of the partnership agreement for  
16 the project if the Secretary determines that the work  
17 is integral to the project.

18 (2) CASH CONTRIBUTIONS.—The Secretary  
19 shall accept funds provided by the non-Federal inter-  
20 ests for use in carrying out planning, engineering,  
21 and design for the project. The Federal share of  
22 such planning, engineering, and design carried out  
23 with non-Federal contributions shall be credited  
24 against the non-Federal share of project costs.

1 **SEC. 5136. HARRIS COUNTY, TEXAS.**

2 (a) IN GENERAL.—Section 575(a) of the Water Re-  
3 sources Development Act of 1996 (110 Stat. 3789; 113  
4 Stat. 311) is amended by inserting before the period at  
5 the end the following: “, whether or not such works or  
6 actions are partially funded under the hazard mitigation  
7 grant program of the Federal Emergency Management  
8 Agency”.

9 (b) SPECIFIC PROJECTS.—Section 575(b) of such  
10 Act (110 Stat. 3789; 113 Stat. 311) is amended—

11 (1) in paragraph (3) by striking “and” at the  
12 end;

13 (2) in paragraph (4) by striking the period at  
14 the end and inserting “; and”; and

15 (3) by adding the following:

16 “(5) the project for flood control, Upper White  
17 Oak Bayou, Texas, authorized by section 401(a) of  
18 the Water Resources Development Act of 1986 (100  
19 Stat. 4125).”.

20 **SEC. 5137. ONION CREEK, TEXAS.**

21 In carrying out the study for the project for flood  
22 damage reduction, recreation, and ecosystem restoration,  
23 Onion Creek, Texas, the Secretary shall include the costs  
24 and benefits associated with the relocation of flood-prone  
25 residences in the study area for the project in the period  
26 beginning 2 years before the date of initiation of the study



1 and ending on the date of execution of the partnership  
2 agreement for construction of the project to the extent the  
3 Secretary determines such relocations are compatible with  
4 the project. The Secretary shall credit toward the non-  
5 Federal share of the cost of the project the cost of reloca-  
6 tion of such flood-prone residences incurred by the non-  
7 Federal interest before the date of the partnership agree-  
8 ment for the project if the Secretary determines that the  
9 relocation of such residences is integral to the project.

10 **SEC. 5138. DYKE MARSH, FAIRFAX COUNTY, VIRGINIA.**

11 The Secretary shall accept funds from the National  
12 Park Service to restore Dyke Marsh, Fairfax County, Vir-  
13 ginia.

14 **SEC. 5139. EASTERN SHORE AND SOUTHWEST VIRGINIA.**

15 Section 219(f)(10) of the Water Resources Develop-  
16 ment Act of 1992 (106 Stat. 4835; 113 Stat. 335) is  
17 amended—

18 (1) by striking “\$20,000,000 for water supply  
19 and wastewater infrastructure” and inserting the  
20 following:

21 “(A) IN GENERAL.—\$20,000,000 for water  
22 supply, wastewater infrastructure, and environ-  
23 mental restoration”;

24 (2) by adding at the end the following:

1           “(B) CREDIT.—The Secretary shall credit  
2           toward the non-Federal share of the cost of the  
3           project the cost of work carried out by the non-  
4           Federal interest before the date of the partner-  
5           ship agreement for the project if the Secretary  
6           determines that the work is integral to the  
7           project.”; and

8           (3) by aligning the remainder of the text of  
9           subparagraph (A) (as designated by paragraph (1)  
10          of this section) with subparagraph (B) (as added by  
11          paragraph (2) of this section).

12 **SEC. 5140. JAMES RIVER, VIRGINIA.**

13          The Secretary shall accept funds from the National  
14          Park Service to provide technical and project management  
15          assistance for the James River, Virginia, with a particular  
16          emphasis on locations along the shoreline adversely im-  
17          pacted by Hurricane Isabel.

18 **SEC. 5141. BAKER BAY AND ILWACO HARBOR, WASH-**  
19 **INGTON.**

20          The Secretary shall conduct a study of increased sil-  
21          tation in Baker Bay and Ilwaco Harbor, Washington, to  
22          determine if the siltation is the result of a Federal naviga-  
23          tion project (including diverted flows from the Columbia  
24          River) and, if the Secretary determines that the siltation  
25          is the result of a Federal navigation project, the Secretary

1 shall carry out a project to mitigate the siltation as part  
2 of maintenance of the Federal navigation project.

3 **SEC. 5142. HAMILTON ISLAND CAMPGROUND, WASH-**  
4 **INGTON.**

5 The Secretary is authorized to plan, design, and con-  
6 struct a campground for Bonneville Lock and Dam at  
7 Hamilton Island (also know as “Strawberry Island”) in  
8 Skamania County, Washington.

9 **SEC. 5143. PUGET ISLAND, WASHINGTON.**

10 The Secretary is directed to place dredged and other  
11 suitable material along portions of the Columbia River  
12 shoreline of Puget Island, Washington, between river miles  
13 38 to 47 in order to protect economic and environmental  
14 resources in the area from further erosion, at a Federal  
15 cost of \$1,000,000. This action shall be coordinated with  
16 appropriate resource agencies and comply with applicable  
17 Federal laws.

18 **SEC. 5144. WILLAPA BAY, WASHINGTON.**

19 Section 545 of the Water Resources Development Act  
20 of 2000 (114 Stat. 2675) is amended—

21 (1) in subsection (b)(1) by striking “may con-  
22 struct” and inserting “shall construct”; and

23 (2) by inserting “and ecosystem restoration”  
24 after “erosion protection” each place it appears.

1 **SEC. 5145. BLUESTONE, WEST VIRGINIA.**

2 Section 547 of the Water Resources Development Act  
3 of 2000 (114 Stat. 2676–2678) is amended—

4 (1) in subsection (b)(1)(A) by striking “4  
5 years” and inserting “5 years”;

6 (2) in subsection (b)(1)(B)(iii) by striking “if  
7 all” and all that follows through “facility” and in-  
8 serting “assurance project”;

9 (3) in subsection (b)(1)(C) by striking “and  
10 construction” and inserting “, construction, and op-  
11 eration and maintenance”;

12 (4) by adding at the end of subsection (b) the  
13 following:

14 “(3) OPERATION AND OWNERSHIP.—The Tri-  
15 Cities Power Authority shall be the owner and oper-  
16 ator of the hydropower facilities referred to in sub-  
17 section (a).”;

18 (5) in subsection (c)(1)—

19 (A) by striking “No” and inserting “Un-  
20 less otherwise provided, no”;

21 (B) by inserting “planning,” before “de-  
22 sign”; and

23 (C) by striking “prior to” and all that fol-  
24 lows through “subsection (d)”;

25 (6) in subsection (c)(2) by striking “design”  
26 and inserting “planning, design,”;

1 (7) in subsection (d)—

2 (A) by striking paragraphs (1) and (2) and  
3 inserting the following:

4 “(1) APPROVAL.—The Secretary shall review  
5 the design and construction activities for all features  
6 of the hydroelectric project that pertain to and affect  
7 stability of the dam and control the release of water  
8 from Bluestone Dam to ensure that the quality of  
9 construction of those features meets all standards  
10 established for similar facilities constructed by the  
11 Secretary.”;

12 (B) by redesignating paragraph (3) as  
13 paragraph (2);

14 (C) by striking the period at the end of  
15 paragraph (2) (as so redesignated) and insert-  
16 ing “, except that hydroelectric power is no  
17 longer a project purpose of the facility. Water  
18 flow releases from the hydropower facilities  
19 shall be determined and directed by the Corps  
20 of Engineers.”; and

21 (D) by adding at the end the following:

22 “(3) COORDINATION.—Construction of the hy-  
23 droelectric generating facilities shall be coordinated  
24 with the dam safety assurance project currently in  
25 the design and construction phases.”;

1           (8) in subsection (e) by striking “in accord-  
2           ance” and all that follows through “58 Stat. 890”;

3           (9) in subsection (f)—

4                 (A) by striking “facility of the inter-  
5                 connected systems of reservoirs operated by the  
6                 Secretary” each place it appears and inserting  
7                 “facilities under construction under such agree-  
8                 ments”; and

9                 (B) by striking “design” and inserting  
10                “planning, design”;

11           (10) in subsection (f)(2)—

12                 (A) by “Secretary” each place it appears  
13                 and inserting “Tri-Cities Power Authority”;  
14                 and

15                 (B) by striking “facilities referred to in  
16                 subsection (a)” and inserting “such facilities”;

17           (11) by striking paragraph (1) of subsection (g)  
18           and inserting the following:

19                 “(1) to arrange for the transmission of power  
20                 to the market or to construct such transmission fa-  
21                 cilities as necessary to market the power produced at  
22                 the facilities referred to in subsection (a) with funds  
23                 contributed by the Tri-Cities Power Authority; and”;

1           (12) in subsection (g)(2) by striking “such fa-  
 2           cilities” and all that follows through “the Secretary”  
 3           and inserting “the generating facility”; and

4           (13) by adding at the end the following:

5           “(i) TRI-CITIES POWER AUTHORITY DEFINED.—In  
 6 this section, the ‘Tri-Cities Power Authority’ refers to the  
 7 entity established by the City of Hinton, West Virginia,  
 8 the City of White Sulphur Springs, West Virginia, and the  
 9 City of Philippi, West Virginia, pursuant to a document  
 10 entitled ‘Second Amended and Restated Intergovern-  
 11 mental Agreement’ approved by the Attorney General of  
 12 West Virginia on February 14, 2002.”.

13 **SEC. 5146. WEST VIRGINIA AND PENNSYLVANIA FLOOD**  
 14 **CONTROL.**

15           (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-  
 16 GINIA.—Section 581(a)(1) of the Water Resources Devel-  
 17 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is  
 18 amended—

19           (1) by striking “flood control measures” and in-  
 20 serting “structural and nonstructural flood control,  
 21 streambank protection, stormwater management,  
 22 and channel clearing and modification measures”;  
 23 and

1           (2) by inserting “with respect to measures that  
2       incorporate levees or floodwalls” before the semi-  
3       colon.

4       (b) PRIORITY COMMUNITIES.—Section 581(b) of the  
5       Water Resources Development Act of 1996 (110 Stat.  
6       3791) is amended—

7           (1) by striking “and” at the end of paragraph  
8       (5);

9           (2) by striking the period at the end of para-  
10      graph (6) and inserting a semicolon; and

11          (3) by adding at the end the following:

12           “(7) Etna, Pennsylvania, in the Pine Creek wa-  
13      tershed; and

14           “(8) Millvale, Pennsylvania, in the Girty’s Run  
15      River basin.”.

16       (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
17       581(c) of the Water Resources Development Act of 1996  
18       (110 Stat. 3791) is amended by striking “\$12,000,000”  
19       and inserting “\$90,000,000”.

20       **SEC. 5147. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

21       The Secretary shall conduct a watershed and river  
22       basin assessment under section 729 of the Water Re-  
23       sources Development Act of 1986 (33 U.S.C. 2267a) for  
24       the Lower Kanawha River Basin, in the counties of



1 Mason, Putnam, Kanawha, Jackson, and Roane, West  
2 Virginia.

3 **SEC. 5148. CENTRAL WEST VIRGINIA.**

4 Section 571 of the Water Resources Development Act  
5 of 1999 (113 Stat. 371) is amended—

6 (1) in subsection (a)—

7 (A) by striking “Nicholas,”; and

8 (B) by striking “Gilmer,”; and

9 (2) by adding at the end the following:

10 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
11 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
12 1962d–5b(b)), for any project undertaken under this sec-  
13 tion, a non-Federal interest may include a nonprofit entity  
14 with the consent of the affected local government.

15 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent  
16 of the amounts appropriated to carry out this section may  
17 be used by the Corps of Engineers district offices to ad-  
18 minister projects under this section at 100 percent Fed-  
19 eral expense.”.

20 **SEC. 5149. SOUTHERN WEST VIRGINIA.**

21 (a) CORPS OF ENGINEERS.—Section 340 of the  
22 Water Resources Development Act of 1992 (106 Stat.  
23 4856; 113 Stat. 320) is amended by adding at the end  
24 the following:

1       “(h) CORPS OF ENGINEERS.—Ten percent of the  
2 amounts appropriated to carry out this section may be  
3 used by the Corps of Engineers district offices to admin-  
4 ister projects under this section at 100 percent Federal  
5 expense.”.

6       (b) SOUTHERN WEST VIRGINIA DEFINED.—Section  
7 340(f) of such Act is amended by inserting “Nicholas,”  
8 after “Greenbrier,”.

9       (c) NONPROFIT ENTITIES.—Section 340 of the  
10 Water Resources Development Act of 1992 (106 Stat.  
11 4856) is further amended by adding at the end the fol-  
12 lowing:

13       “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
14 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
15 1962d–5b(b)), for any project undertaken under this sec-  
16 tion, a non-Federal interest may include a nonprofit entity  
17 with the consent of the affected local government.”.

18 **SEC. 5150. JOHNSONVILLE DAM, JOHNSONVILLE, WIS-**  
19 **CONSIN.**

20       The Secretary shall conduct a study of the  
21 Johnsonville Dam, Johnsonville, Wisconsin, to determine  
22 if the structure prevents ice jams on the Sheboygan River.

1 **SEC. 5151. CONSTRUCTION OF FLOOD CONTROL PROJECTS**  
2 **BY NON-FEDERAL INTERESTS.**

3 Section 211(f) of the Water Resources Development  
4 Act of 1996 (33 U.S.C. 701b–13) is amended by adding  
5 at the end the following:

6 “(9) BUFFALO BAYOU, TEXAS.—A project for  
7 flood control, Buffalo Bayou, Texas, to provide an  
8 alternative to the project authorized by the first sec-  
9 tion of the River and Harbor Act of June 20, 1938  
10 (52 Stat. 804) and modified by section 3a of the  
11 Flood Control Act of August 11, 1939 (53 Stat.  
12 1414).

13 “(10) HALLS BAYOU, TEXAS.—A project for  
14 flood control, Halls Bayou, Texas, to provide an al-  
15 ternative to the project for flood control, Buffalo  
16 Bayou and tributaries, Texas, authorized by section  
17 101(a)(21) of the Water Resources Development Act  
18 of 1990 (104 Stat. 4610).

19 “(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN  
20 FIELD), ST. PAUL, MINNESOTA.—The project for  
21 flood damage reduction, St. Paul Downtown Airport  
22 (Holman Field), St. Paul, Minnesota.

23 “(12) THORNTON RESERVOIR, COOK COUNTY,  
24 ILLINOIS.—The project for flood control, Chicago  
25 Underflow Plan, Thornton Reservoir, Cook County,  
26 Illinois.

1           “(13) LAROSE TO GOLDEN MEADOW, LOU-  
2           ISIANA.—The project for flood control, Larose to  
3           Golden Meadow, Louisiana.

4           “(14) PERRIS, CALIFORNIA.—The project for  
5           flood control, Perris, California.”.

6 **SEC. 5152. USE OF FEDERAL HOPPER DREDGE FLEET.**

7           (a) STUDY.—The Secretary shall conduct a study on  
8           the appropriate use of the Federal hopper dredge fleet.

9           (b) CONTENTS.—In conducting the study, the Sec-  
10          retary shall—

11           (1) obtain and analyze baseline data to deter-  
12          mine the appropriate use of the Federal hopper  
13          dredge fleet;

14           (2) prepare a comprehensive analysis of the  
15          costs and benefits of existing and proposed restric-  
16          tions on the use of the Federal hopper dredge fleet;  
17          and

18           (3) assess the data and procedure used by the  
19          Secretary to prepare the Government cost estimate  
20          for worked performed by the Federal hopper dredge  
21          fleet.

22          (c) CONSULTATION.—The Secretary shall conduct  
23          the study in consultation with ports, pilots, and represent-  
24          atives of the private dredge industry.

1 (d) REPORT.—Not later than 180 days after the date  
2 of enactment of this Act, the Secretary shall transmit to  
3 Congress a report on the results of the study.

4 **SEC. 5153. ADDITIONAL ASSISTANCE FOR CRITICAL**  
5 **PROJECTS.**

6 Section 219(f) of the Water Resources Development  
7 Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114  
8 Stat. 2763A–220–221) is amended—

9 (1) by striking the undesignated paragraph re-  
10 lating to Charleston, South Carolina, and inserting  
11 the following:

12 “(72) CHARLESTON, SOUTH CAROLINA.—  
13 \$20,000,000 for wastewater infrastructure, including  
14 wastewater collection systems, and stormwater sys-  
15 tem improvements, Charleston, South Carolina.”;

16 (2) by redesignating the paragraph (71) relat-  
17 ing to Placer and El Dorado Counties, California, as  
18 paragraph (73);

19 (3) by redesignating the paragraph (72) relat-  
20 ing to Lassen, Plumas, Butte, Sierra, and Nevada  
21 Counties, California, as paragraph (74);

22 (4) by striking the paragraph (71) relating to  
23 Indianapolis, Indiana, and inserting the following:

1           “(75) INDIANAPOLIS, INDIANA.—\$6,430,000 for  
2       environmental infrastructure for Indianapolis, Indi-  
3       ana.”;

4           (5) by redesignating the paragraph (73) relat-  
5       ing to St. Croix Falls, Wisconsin, as paragraph (76);  
6       and

7           (6) by adding at the end the following:

8           “(77) ST. CLAIR COUNTY, ALABAMA.—  
9       \$5,000,000 for water related infrastructure, St.  
10      Clair County, Alabama.

11          “(78) CRAWFORD COUNTY, ARKANSAS.—  
12      \$35,000,000 for water supply infrastructure,  
13      Crawford County, Arkansas.

14          “(79) BRAWLEY COLONIA, IMPERIAL COUNTY,  
15      CALIFORNIA.—\$1,400,000 for water infrastructure  
16      to improve water quality in the Brawley Colonia  
17      Water District, Imperial County, California.

18          “(80) CONTRA COSTA WATER DISTRICT, CALI-  
19      FORNIA.—\$23,000,000 for water and wastewater in-  
20      frastructure for the Contra Costa Water District,  
21      California.

22          “(81) EAST BAY, SAN FRANCISCO, AND SANTA  
23      CLARA AREAS, CALIFORNIA.—\$4,000,000 for a de-  
24      salination project to serve the East Bay, San Fran-  
25      cisco, and Santa Clara areas, California.

1           “(82) IMPERIAL COUNTY, CALIFORNIA.—  
2       \$10,000,000 for wastewater infrastructure, including  
3       a wastewater disinfection facility and polishing sys-  
4       tem, to improve water quality in the vicinity of  
5       Calexico, California, on the southern New River, Im-  
6       perial County, California.

7           “(83) RICHMOND, CALIFORNIA.—\$25,000,000  
8       for a recycled water treatment facility, Richmond,  
9       California.

10          “(84) SANTA CLARA COUNTY, CALIFORNIA.—  
11       \$5,500,000 for an advanced recycling water treat-  
12       ment plant in Santa Clara County, California.

13          “(85) SOUTHERN LOS ANGELES COUNTY, CALI-  
14       FORNIA.—\$15,000,000 for environmental infrastruc-  
15       ture for the groundwater basin optimization pipeline,  
16       Southern Los Angeles County, California.

17          “(86) SWEETWATER RESERVOIR, SAN DIEGO  
18       COUNTY, CALIFORNIA.—\$375,000 to improve water  
19       quality, and remove nonnative aquatic species from  
20       the Sweetwater Reservoir, San Diego County, Cali-  
21       fornia.

22          “(87) WHITTIER, CALIFORNIA.—\$8,000,000 for  
23       water, wastewater, and water related infrastructure,  
24       Whittier, California.

1           “(88) MONTEZUMA AND LA PLATA COUNTIES,  
2           COLORADO.—\$1,000,000 for water and wastewater  
3           related infrastructure for the Ute Mountain project,  
4           Montezuma and La Plata Counties, Colorado.

5           “(89) PUEBLO AND OTERO COUNTIES, COLO-  
6           RADO.—\$34,000,000 for water transmission infra-  
7           structure, Pueblo and Otero Counties, Colorado.

8           “(90) LEDYARD AND MONTVILLE, CON-  
9           NECTICUT.—\$7,113,000 for water infrastructure,  
10          Ledyard and Montville, Connecticut.

11          “(91) ANACOSTIA RIVER, DISTRICT OF COLUM-  
12          BIA AND MARYLAND.—\$20,000,000 for environ-  
13          mental infrastructure and resource protection and  
14          development to enhance water quality and living re-  
15          sources in the Anacostia River watershed, District of  
16          Columbia and Maryland.

17          “(92) WASHINGTON, DISTRICT OF COLUMBIA.—  
18          \$35,000,000 for implementation of a combined  
19          sewer overflow long-term control plan, Washington,  
20          District of Columbia.

21          “(93) CHARLOTTE COUNTY, FLORIDA.—  
22          \$3,000,000 for water supply infrastructure, Char-  
23          lotte County, Florida.

24          “(94) CHARLOTTE, LEE, AND COLLIER COUN-  
25          TIES, FLORIDA.—\$20,000,000 for water supply



1       interconnectivity infrastructure, Charlotte, Lee, and  
2       Collier Counties, Florida.

3           “(95)     COLLIER     COUNTY,     FLORIDA.—  
4       \$5,000,000 for water infrastructure to improve  
5       water quality in the vicinity of the Gordon River,  
6       Collier County, Florida.

7           “(96) JACKSONVILLE, FLORIDA.—\$25,000,000  
8       for wastewater related infrastructure, including sep-  
9       tic tank replacements, Jacksonville, Florida.

10          “(97) NORTH VERNON AND BUTLERVILLE, IN-  
11       DIANA.—\$1,700,000 for wastewater infrastructure,  
12       North Vernon and Butlerville, Indiana.

13          “(98) SALEM, WASHINGTON COUNTY, INDI-  
14       ANA.—\$3,200,000 for water supply infrastructure,  
15       Salem, Washington County, Indiana.

16          “(99) CENTRAL KENTUCKY.—\$10,000,000 for  
17       water related infrastructure and resource protection  
18       and development, Scott, Franklin, Woodford, Ander-  
19       son, Fayette, Mercer, Jessamine, Boyle, Lincoln,  
20       Garrard, Madison, Estill, Powell, Clark, Mont-  
21       gomery, and Bourbon Counties, Kentucky.

22          “(100) PLAQUEMINE, LOUISIANA.—\$7,000,000  
23       for sanitary sewer and wastewater infrastructure,  
24       Plaquemine, Louisiana.

1           “(101) CITY OF BILOXI, CITY OF GULFPORT,  
2           AND HARRISON COUNTY, MISSISSIPPI.—\$15,000,000  
3           for water and wastewater related infrastructure, city  
4           of Biloxi, city of Gulfport, and Harrison County,  
5           Mississippi.

6           “(102) CLARK COUNTY, NEVADA.—\$30,000,000  
7           for wastewater infrastructure, Clark County, Ne-  
8           vada.

9           “(103) HENDERSON, NEVADA.—\$5,000,000 for  
10          wastewater infrastructure, Henderson, Nevada.

11          “(104) PATERSON, NEW JERSEY.—\$35,000,000  
12          for wastewater infrastructure, Paterson, New Jer-  
13          sey.

14          “(105) SENNETT, NEW YORK.—\$1,500,000 for  
15          water infrastructure, Town of Sennett, New York.

16          “(106) SPRINGPORT AND FLEMING, NEW  
17          YORK.—\$10,000,000 for water related infrastruc-  
18          ture, including water mains, pump stations, and  
19          water storage tanks, Springport and Fleming, New  
20          York.

21          “(107) CABARRUS COUNTY, NORTH CARO-  
22          LINA.—\$4,500,000 for water related infrastructure,  
23          Cabarrus County, North Carolina.

1           “(108) RICHMOND COUNTY, NORTH CARO-  
2           LINA.—\$8,000,000 for water related infrastructure,  
3           Richmond County, North Carolina.

4           “(109) UNION COUNTY, NORTH CAROLINA.—  
5           \$6,000,000 for wastewater infrastructure, Union  
6           County, North Carolina.

7           “(110) LAKE COUNTY, OHIO.—\$1,500,000 for  
8           wastewater infrastructure, Lake County, Ohio.

9           “(111) MENTOR-ON-LAKE, OHIO.—\$625,000  
10          for water and wastewater infrastructure, Mentor-on-  
11          Lake, Ohio.

12          “(112) WILLOWICK, OHIO.—\$665,000 for water  
13          and wastewater infrastructure, Willowick, Ohio.

14          “(113) ALBANY, OREGON.—\$35,000,000 for  
15          wastewater infrastructure to improve water quality,  
16          Albany, Oregon.

17          “(114) BOROUGH OF STOCKERTON, BOROUGH  
18          OF TATAMY, AND PALMER TOWNSHIP, PENNSYL-  
19          VANIA.—\$10,000,000 for stormwater control meas-  
20          ures, particularly to address sinkholes, in the vicinity  
21          of the Borough of Stockerton, the Borough of  
22          Tatamy, and Palmer Township, Pennsylvania.

23          “(115) HATFIELD BOROUGH, PENNSYLVANIA.—  
24          \$310,000 for wastewater related infrastructure for  
25          Hatfield Borough, Pennsylvania.

1           “(116) LEHIGH COUNTY, PENNSYLVANIA.—  
2       \$5,000,000 for stormwater control measures and  
3       storm sewer improvements, Lehigh County, Pennsyl-  
4       vania.

5           “(117) NORTH WALES BOROUGH, PENNSYLV-  
6       VANIA.—\$1,516,584 for wastewater related infra-  
7       structure for North Wales Borough, Pennsylvania.

8           “(118) PEN ARGYL, PENNSYLVANIA.—  
9       \$5,250,000 for wastewater infrastructure, Pen  
10      Argyl, Pennsylvania.

11          “(119) PHILADELPHIA, PENNSYLVANIA.—  
12      \$1,600,000 for wastewater related infrastructure for  
13      Philadelphia, Pennsylvania.

14          “(120) VERA CRUZ, PENNSYLVANIA.—  
15      \$5,500,000 for wastewater infrastructure, Vera  
16      Cruz, Pennsylvania.

17          “(121) COMMONWEALTH OF PUERTO RICO.—  
18      \$35,000,000 for water and wastewater infrastruc-  
19      ture in the Commonwealth of Puerto Rico.

20          “(122) CROSS, SOUTH CAROLINA.—\$2,000,000  
21      for water related environmental infrastructure,  
22      Cross, South Carolina.

23          “(123) MYRTLE BEACH, SOUTH CAROLINA.—  
24      \$6,000,000 for environmental infrastructure, includ-  
25      ing ocean outfalls, Myrtle Beach, South Carolina.

1           “(124) NORTH MYRTLE BEACH, SOUTH CARO-  
2           LINA.—\$6,000,000 for environmental infrastructure,  
3           including ocean outfalls, North Myrtle Beach, South  
4           Carolina.

5           “(125)     SURFSIDE,     SOUTH     CAROLINA.—  
6           \$6,000,000 for environmental infrastructure, includ-  
7           ing stormwater system improvements and ocean out-  
8           falls, Surfside, South Carolina.

9           “(126) ATHENS, TENNESSEE.—\$16,000,000 for  
10          wastewater infrastructure, Athens, Tennessee.

11          “(127) DUCHESNE, IRON, AND UINTAH COUN-  
12          TIES, UTAH.—\$10,800,000 for water related infra-  
13          structure, Duchesne, Iron, and Uintah Counties,  
14          Utah.

15          “(128)     MONROE,     NORTH     CAROLINA.—  
16          \$11,500,000 for water related infrastructure, includ-  
17          ing water supply reservoir dredging, Monroe, North  
18          Carolina.

19          “(129)     CHARLOTTE,     NORTH     CAROLINA.—  
20          \$5,000,000 for phase II of the Briar Creek waste-  
21          water project, Charlotte, North Carolina.

22          “(130) LOS ANGELES COUNTY, CALIFORNIA.—  
23          \$3,000,000 for wastewater and water related infra-  
24          structure, Diamond Bar, La Habra Heights, and  
25          Rowland Heights, Los Angeles County, California.

1           “(131) ORANGE COUNTY, CALIFORNIA.—  
2           \$15,000,000 for wastewater and water related infra-  
3           structure, Anaheim, Brea, La Habra, Mission Viejo,  
4           Rancho Santa Margarita, and Yorba Linda, Orange  
5           County, California.

6           “(132) SAN BERNADINO COUNTY, CALI-  
7           FORNIA.—\$9,000,000 for wastewater and water re-  
8           lated infrastructure, Chino and Chino Hills, San  
9           Bernadino County, California.

10          “(133) FAYETTEVILLE, GRANTVILLE, LA-  
11          GRANGE, PINE MOUNTAIN (HARRIS COUNTY),  
12          DOUGLASVILLE, AND CARROLLTON, GEORGIA.—  
13          \$24,500,000 for water and wastewater infrastruc-  
14          ture, Fayetteville, Grantville, LaGrange, Pine Moun-  
15          tain (Harris County), Douglasville, and Carrollton,  
16          Georgia.

17          “(134) MERIWETHER AND SPALDING COUN-  
18          TIES, GEORGIA.—\$7,000,000 for water and waste-  
19          water infrastructure, Meriwether and Spalding  
20          Counties, Georgia.

21          “(135) ARCADIA, SIERRA MADRE, AND UPLAND,  
22          CALIFORNIA.—\$33,000,000 for water and waste-  
23          water infrastructure, Arcadia, Sierra Madre, and  
24          Upland, California, including \$13,000,000 for  
25          stormwater infrastructure for Upland, California.

1           “(136) FT. BEND COUNTY, TEXAS.—  
2       \$20,000,000 for wastewater infrastructure, Ft. Bend  
3       County, Texas.

4           “(137) NEW RIVER, CALIFORNIA.—\$10,000,000  
5       for wastewater infrastructure to improve water qual-  
6       ity in the New River, California.

7           “(138) BIG BEAR AREA REGIONAL WASTE-  
8       WATER AGENCY, CALIFORNIA.—\$15,000,000 for  
9       water reclamation and distribution, Big Bear Area  
10      Regional Wastewater Agency, California.

11          “(139) LAKE NACIMIENTO, CALIFORNIA.—  
12      \$25,000,000 for water supply infrastructure for the  
13      communities of Atascadero, Paso Robles, Templeton,  
14      and San Luis Obispo, San Luis Obispo County,  
15      California.

16          “(140) OTERO, BENT, CROWLEY, KIOWA, AND  
17      PROWERS COUNTIES, COLORADO.—\$35,000,000 for  
18      water transmission infrastructure, Otero, Bent,  
19      Crowley, Kiowa, and Prowers Counties, Colorado.

20          “(141) SAIPAN, NORTHERN MARIANA IS-  
21      LANDS.—\$20,000,000 for water related infrastruc-  
22      ture, Saipan, Northern Mariana Islands.

23          “(142) STOCKTON, CALIFORNIA.—\$33,000,000  
24      for water treatment and distribution infrastructure,  
25      Stockton, California.

1           “(143) JACKSON, MISSISSIPPI.—\$25,000,000  
2           for water and wastewater infrastructure, Jackson,  
3           Mississippi.

4           “(144) CROOKED CREEK, MARLBORO COUNTY,  
5           SOUTH CAROLINA.—\$25,000,000 for a project for  
6           water storage and water supply infrastructure on  
7           Crooked Creek, Marlboro County, South Carolina.

8           “(145) CENTRAL TEXAS.—\$20,000,000 for  
9           water and wastewater infrastructure in Bosque,  
10          Brazos, Burleson, Grimes, Hill, Hood, Johnson,  
11          Madison, McLennan, Limestone, Robertson, and  
12          Somervell Counties, Texas.

13          “(146) EL PASO COUNTY, TEXAS.—  
14          \$25,000,000 for water related infrastructure and re-  
15          source protection and development, El Paso County,  
16          Texas.

17          “(147) NORTHERN WEST VIRGINIA.—  
18          \$20,000,000 for water and wastewater infrastruc-  
19          ture in Hancock, Ohio, Marshall, Wetzel, Tyler,  
20          Pleasants, Wood, Doddridge, Monongalia, Marion,  
21          Harrison, Taylor, Barbour, Preston, Tucker, Min-  
22          eral, Grant, Gilmer, Brooke, Ritchie Counties, West  
23          Virginia.”.



## **TITLE VI—FLORIDA EVERGLADES**

### **SEC. 6001. HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.**

(a) MODIFICATION.—The project for Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to carry out the project at a total cost of \$39,200,000.

(b) TREATMENT.—Section 601(b)(2)(A) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended—

(1) in clause (i) by adding at the end the following: “The project for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for purposes of this section as being in the Plan, except that operation and maintenance costs of the project shall remain a non-Federal responsibility.”; and

(2) in clause (iii) by inserting after “subparagraph (B)” the following: “and the project for aquifer

1       fer storage and recovery, Hillsboro and Okeechobee  
2       Aquifer”.

3   **SEC. 6002. PILOT PROJECTS.**

4       Section 601(b)(2)(B) of the Water Resources Devel-  
5   opment Act of 2000 (114 Stat. 2681) is amended—

6           (1) in the matter preceding clause (i)—

7               (A) by striking “\$69,000,000” and insert-  
8               ing “\$71,200,000”; and

9               (B) by striking “\$34,500,000” each place  
10              it appears and inserting “\$35,600,000”; and

11           (2) in clause (i)—

12               (A) by striking “\$6,000,000” and inserting  
13               “\$8,200,000”; and

14               (B) by striking “\$3,000,000” each place it  
15              appears and inserting “\$4,100,000”.

16   **SEC. 6003. MAXIMUM COST OF PROJECTS.**

17       Section 601(b)(2)(E) of the Water Resources Devel-  
18   opment Act of 2000 (114 Stat. 2683) is amended by in-  
19   serting “and section (d)” before the period at the end.

20   **SEC. 6004. PROJECT AUTHORIZATION.**

21       Section 601(d) of the Water Resources Development  
22   Act of 2000 (114 Stat. 2684) is amended by adding at  
23   the end the following:

24           “(3) PROJECT AUTHORIZATION.—The following  
25       project for water resources development and con-

1       servation and other purposes is authorized to be car-  
2       ried out by the Secretary substantially in accordance  
3       with the plans, and subject to the conditions, de-  
4       scribed in the report designated in this paragraph:

5               “(A) INDIAN RIVER LAGOON SOUTH, FLOR-  
6       IDA.—The project for ecosystem restoration,  
7       water supply, flood damage reduction, and pro-  
8       tection of water quality, Indian River Lagoon  
9       South, Florida: Report of the Chief of Engi-  
10      neers dated August 6, 2004, at a total cost of  
11      \$1,210,608,000, with an estimated Federal cost  
12      of \$605,304,000 and an estimated non-Federal  
13      cost of \$605,304,000.

14             “(4) PROJECT SUBJECT TO A FINAL REPORT.—  
15      The following project for water resources develop-  
16      ment and conservation and other purposes is author-  
17      ized to be carried out by the Secretary substantially  
18      in accordance with a final report of the Chief of En-  
19      gineers:

20             “(A) PICAYUNE STRAND, FLORIDA.—The  
21      project for environmental restoration, Picayune  
22      Strand, Florida, at a total cost of  
23      \$349,422,000, with an estimated Federal cost  
24      of \$174,711,000 and an estimated non-Federal  
25      cost of \$174,711,000, if a favorable report of

1 the Chief is completed not later than December  
2 31, 2005.”.

3 **SEC. 6005. CREDIT.**

4 Section 601(e)(5)(B) of the Water Resources Devel-  
5 opment Act of 2000 (114 Stat. 2685) is amended—

6 (1) in clause (i)—

7 (A) by striking “or” at the end of sub-  
8 clause (I);

9 (B) by adding “or” at the end of subclause  
10 (II); and

11 (C) by adding at the end the following:

12 “(III) the credit is provided for work  
13 carried out before the date of the partner-  
14 ship agreement between the Secretary and  
15 the non-Federal sponsor, as defined in an  
16 agreement between the Secretary and the  
17 non-Federal sponsor providing for such  
18 credit;”; and

19 (2) in clause (ii)—

20 (A) by striking “design agreement or the  
21 project cooperation”; and

22 (B) by inserting before the semicolon the  
23 following: “, including in the case of credit pro-  
24 vided under clause (i)(III) conditions relating to  
25 design and construction”.

1   **SEC. 6006. OUTREACH AND ASSISTANCE.**

2       Section 601(k) of the Water Resources Development  
3   Act of 2000 (114 Stat. 2691) is amended by adding at  
4   the end the following:

5           “(3)   MAXIMUM   EXPENDITURES.—The   Sec-  
6       retary may expend up to \$3,000,000 per fiscal year  
7       for fiscal years beginning after September 30, 2004,  
8       to carry out this subsection.”.

9   **SEC. 6007. CRITICAL RESTORATION PROJECTS.**

10       Section 528(b)(3)(C) of the Water Resources Devel-  
11   opment Act of 1996 (110 Stat. 3769; 113 Stat. 286) is  
12   amended—

13           (1) in clause (i) by striking “\$75,000,000” and  
14       all that follows through “2003” and inserting  
15       “\$95,000,000”; and

16           (2) in clause (ii) by striking “\$25,000,000” and  
17       inserting “\$30,000,000”.

18   **SEC. 6008. DEAUTHORIZATIONS.**

19       As of the date of enactment of this Act, the following  
20   projects are not authorized:

21           (1) The uncompleted portions of the project au-  
22       thorized by section 601(b)(2)(C)(i) of the Water Re-  
23       sources Development Act of 2000 (114 Stat. 2682),  
24       C–44 Basin Storage Reservoir of the Comprehensive  
25       Everglades Restoration Plan.

1           (2) The uncompleted portions of the project au-  
2           thorized by section 203 of the Flood Control Act of  
3           1968 (82 Stat. 740), Martin County, Florida modi-  
4           fications to the Central and South Florida Project,  
5           as contained in Senate Document 101, 90th Con-  
6           gress, 2d Session.

7           (3) The uncompleted portions of the project au-  
8           thorized by section 203 of the Flood Control Act of  
9           1968 (82 Stat. 740), East Coast Backpumping, St.  
10          Lucie—Martin County, Spillway Structure S-311 of  
11          the Central and South Florida Project, as contained  
12          in House Document 369, 90th Congress, 2d Session.

13 **SEC. 6009. MODIFIED WATER DELIVERY.**

14          (a) TAMIAMI TRAIL.—The Secretary shall not carry  
15          out a project for raising Tamiami Trail, Florida, until  
16          such date as the project is specifically authorized by law.

17          (b) REPORTS.—The Secretary shall submit to Con-  
18          gress reports recommending specific authorizations in law  
19          for—

20                (1) changes to the project to improve water de-  
21          liveries to Everglades National Park, authorized by  
22          section 104 of the Everglades National Park Protec-  
23          tion and Expansion Act of 1989 (16 U.S.C. 410r-  
24          8), if necessary;

1           (2) a project to raise Tamiami Trail, Florida,  
2           if necessary; and

3           (3) a combined structural and operational plan  
4           for the C-111 Canal Project, authorized by section  
5           203 of the Flood Control Act of 1948 (62 Stat.  
6           1176), and modified by section 203 of the Flood  
7           Control Act of 1968 (82 Stat. 740), and further  
8           modified by section 316 of the Water Resources De-  
9           velopment Act of 1996 (110 Stat. 3715), and the  
10          project to improve water deliveries to Everglades  
11          National Park.

## 12   **TITLE VII—LOUISIANA COASTAL** 13                                   **AREA**

### 14   **SEC. 7001. DEFINITIONS.**

15          In this title, the following definitions apply:

16           (1) COASTAL LOUISIANA ECOSYSTEM.—The  
17           term “coastal Louisiana ecosystem” means the  
18           coastal area of Louisiana from the Sabine River on  
19           the west and the Pearl River on the east, including  
20           those parts of the Deltaic Plain and the Chenier  
21           Plain included within the study area of the Plan.

22           (2) GOVERNOR.—The term “Governor” means  
23           the Governor of the State of Louisiana.

24           (3) PLAN.—The term “Plan” means the report  
25           of the Chief of Engineers for ecosystem restoration

1 for the Louisiana Coastal Area dated January 31,  
2 2005.

3 (4) TASK FORCE.—The term “Task Force”  
4 means the Coastal Louisiana Ecosystem Protection  
5 and Restoration Task Force established by section  
6 7003.

7 **SEC. 7002. ADDITIONAL REPORTS.**

8 (a) MISSISSIPPI RIVER GULF OUTLET.—Not later  
9 than 2 years after the date of enactment of this Act, the  
10 Secretary shall submit to Congress a report recommending  
11 modifications to the Mississippi River Gulf Outlet to ad-  
12 dress navigation, salt water intrusion, channel bank ero-  
13 sion, mitigation, and threats to life and property.

14 (b) CHENIER PLAIN.—Not later than July 1, 2006,  
15 the Secretary shall submit to Congress a report recom-  
16 mending near-term ecosystem restoration measures for the  
17 Chenier Plain, Louisiana.

18 (c) LONG-TERM PLAN.—

19 (1) COMPREHENSIVE FRAMEWORK.—Not later  
20 than one year after the date of enactment of this  
21 section, the Secretary shall submit to Congress a  
22 recommended framework for developing a long-term  
23 program that provides for the comprehensive protec-  
24 tion, conservation, and restoration of the wetlands,  
25 estuaries (including Barataria-Terrebonne Estuary),



1 barrier islands, and related land and features that  
2 protect critical resources, habitat, and infrastructure  
3 in the coastal Louisiana ecosystem from the impacts  
4 of coastal storms, hurricanes, erosion, and subsid-  
5 ence.

6 (2) CONSIDERATION.—In developing the rec-  
7 ommended framework, the Secretary shall consider  
8 integrating other Federal or State projects or activi-  
9 ties within the coastal Louisiana ecosystem into the  
10 long-term restoration program.

11 (3) COMPREHENSIVE PLAN.—

12 (A) DEADLINE.—Not later than five years  
13 after the date of enactment of this Act, the Sec-  
14 retary shall submit to Congress a feasibility  
15 study recommending a comprehensive, long-  
16 term, plan for the protection, conservation, and  
17 restoration of the coastal Louisiana ecosystem.

18 (B) INTEGRATION.—The comprehensive,  
19 long-term, plan shall include recommendations  
20 for the integration of ongoing Federal and  
21 State projects, programs, and activities.

22 **SEC. 7003. COASTAL LOUISIANA ECOSYSTEM PROTECTION**  
23 **AND RESTORATION TASK FORCE.**

24 (a) ESTABLISHMENT AND MEMBERSHIP.—There is  
25 established the Coastal Louisiana Ecosystem Protection

1 and Restoration Task Force, which shall consist of the fol-  
2 lowing members (or, in the case of the head of a Federal  
3 agency, a designee at the level of Assistant Secretary or  
4 an equivalent level):

5 (1) The Secretary.

6 (2) The Secretary of the Interior.

7 (3) The Secretary of Commerce.

8 (4) The Administrator of the Environmental  
9 Protection Agency.

10 (5) The Secretary of Agriculture.

11 (6) The Secretary of Transportation.

12 (7) The Secretary of Energy.

13 (8) The Director of the Federal Emergency  
14 Management Agency.

15 (9) The Commandant of the Coast Guard.

16 (10) The Coastal Advisor to the Governor.

17 (11) The Secretary of the Louisiana Depart-  
18 ment of Natural Resources.

19 (12) A representative of the Louisiana Gov-  
20 ernor's Advisory Commission on Coastal Restoration  
21 and Conservation.

22 (b) DUTIES OF TASK FORCE.—The Task Force  
23 shall—

24 (1) make recommendations to the Secretary re-  
25 garding policies, strategies, plans, programs,

1 projects, and activities for addressing protection,  
2 conservation, and restoration of the coastal Lou-  
3 isiana ecosystem;

4 (2) prepare financial plans for each of the agen-  
5 cies represented on the Task Force for funds pro-  
6 posed for the protection, conservation, and restora-  
7 tion of the coastal Louisiana ecosystem under au-  
8 thorities of each agency, including—

9 (A) recommendations that identify funds  
10 from current agency missions and budgets; and

11 (B) recommendations for coordinating in-  
12 dividual agency budget requests; and

13 (3) submit to Congress a biennial report that  
14 summarizes the activities of the Task Force and  
15 progress towards the purposes set forth in section  
16 7002(c)(1).

17 (c) PROCEDURES AND ADVICE.—The Task Force  
18 shall—

19 (1) implement procedures to facilitate public  
20 participation with regard to Task Force activities,  
21 including—

22 (A) providing advance notice of meetings;

23 (B) providing adequate opportunity for  
24 public input and comment;

25 (C) maintaining appropriate records; and

1 (D) making a record of proceedings avail-  
2 able for public inspection; and

3 (2) establish such working groups as are nec-  
4 essary to assist the Task Force in carrying out its  
5 duties.

6 (d) COMPENSATION.—Members of the Task Force or  
7 any associated working group may not receive compensa-  
8 tion for their services as members of the Task Force or  
9 working group.

10 (e) TRAVEL EXPENSES.—Travel expenses incurred  
11 by members of the Task Force, or members of an associ-  
12 ated working group, in the performance of their service  
13 on the Task Force or working group shall be paid by the  
14 agency or entity that the member represents.

15 (f) APPLICATION OF FEDERAL ADVISORY COM-  
16 MITTEE ACT.—The Task Force and any working group  
17 established by the Task Force shall not be considered an  
18 advisory committee under the Federal Advisory Com-  
19 mittee Act (5 U.S.C. App.).

20 **SEC. 7004. INVESTIGATIONS.**

21 (a) IN GENERAL.—The Secretary shall conduct feasi-  
22 bility studies for future authorization and large-scale stud-  
23 ies substantially in accordance with the Plan at a total  
24 cost \$130,000,000.

1 (b) EXISTING FEDERALLY AUTHORIZED WATER RE-  
2 SOURCES PROJECTS.—

3 (1) IN GENERAL.—The Secretary shall review  
4 existing federally authorized water resources projects  
5 in the coastal Louisiana ecosystem in order to deter-  
6 mine their consistency with the purposes of this sec-  
7 tion and whether the projects have the potential to  
8 contribute to ecosystem restoration through revised  
9 operations or modified project features.

10 (2) FUNDING.—There is authorized to be ap-  
11 propriated \$10,000,000 to carry out this subsection.

12 **SEC. 7005. CONSTRUCTION.**

13 (a) COASTAL LOUISIANA ECOSYSTEM PROGRAM.—

14 (1) IN GENERAL.—The Secretary shall carry  
15 out a coastal Louisiana ecosystem program substan-  
16 tially in accordance with the Plan, at a total cost of  
17 \$50,000,000.

18 (2) OBJECTIVES.—The objectives of the pro-  
19 gram shall be to—

20 (A) identify uncertainties about the phys-  
21 ical, chemical, geological, biological, and cul-  
22 tural baseline conditions in the coastal Lou-  
23 isiana ecosystem;

24 (B) improve the State of knowledge of the  
25 physical, chemical, geological, biological, and

1 cultural baseline conditions in the coastal Lou-  
2 isiana ecosystem; and

3 (C) identify and develop technologies, mod-  
4 els, and methods that could be useful in car-  
5 rying out the purposes of this title.

6 (3) WORKING GROUPS.—The Secretary may es-  
7 tablish such working groups as are necessary to as-  
8 sist in carrying out this subsection.

9 (4) PROCEDURES AND ADVICE.—In carrying  
10 out this subsection, the Secretary is authorized to  
11 enter into contracts and cooperative agreements with  
12 scientific and engineering experts in the restoration  
13 of aquatic and marine ecosystems, including a con-  
14 sortium of academic institutions in Louisiana and  
15 Mississippi for coastal restoration and enhancement  
16 through science and technology.

17 (b) DEMONSTRATION PROJECTS.—

18 (1) IN GENERAL.—Subject to paragraphs (2)  
19 and (3), the Secretary may carry out projects sub-  
20 stantially in accordance with the Plan for the pur-  
21 pose of resolving critical areas of scientific or tech-  
22 nological uncertainty related to the implementation  
23 of the comprehensive plan to be developed under sec-  
24 tion 7002(c)(3).

25 (2) MAXIMUM COST.—

1 (A) TOTAL COST.—The total cost for plan-  
2 ning, design, and construction of all demonstra-  
3 tion projects under this subsection shall not ex-  
4 ceed \$100,000,000.

5 (B) INDIVIDUAL PROJECT.—The total cost  
6 of an individual demonstration project under  
7 this subsection shall not exceed \$25,000,000.

8 (c) INITIAL PROJECTS.—The Secretary is authorized  
9 to carry out the following projects substantially in accord-  
10 ance with the Plan:

11 (1) Mississippi River Gulf Outlet Environ-  
12 mental Restoration at a total cost of \$105,300,000.

13 (2) Small Diversion at Hope Canal at a total  
14 cost of \$68,600,000.

15 (3) Barataria Basin Barrier Shoreline Restora-  
16 tion at a total cost of \$242,600,000.

17 (4) Small Bayou Lafourche Reintroduction at a  
18 total cost of \$133,500,000.

19 (5) Medium Diversion at Myrtle Grove with  
20 Dedicated Dredging at a total cost of \$278,300,000.

21 (d) BENEFICIAL USE OF DREDGED MATERIAL.—The  
22 Secretary, substantially in accordance with the Plan, shall  
23 implement in the coastal Louisiana ecosystem a program  
24 for the beneficial use of material dredged from federally  
25 maintained waterways at a total cost of \$100,000,000.

1 **SEC. 7006. NON-FEDERAL COST SHARE.**

2 (a) CREDIT.—The Secretary shall credit toward the  
3 non-Federal share of the cost of a study authorized by  
4 section 7004 or a project authorized by section 7005 the  
5 cost of work carried out in the coastal Louisiana eco-  
6 system by the non-Federal interest before the date of the  
7 partnership agreement for the study or project, as the case  
8 may be, if the Secretary determines that the work is inte-  
9 gral to the study or project, as the case may be.

10 (b) TREATMENT OF CREDIT BETWEEN PROJECTS.—  
11 Any credit provided under this section toward the non-  
12 Federal share of the cost of a study authorized by section  
13 7004 or a project authorized by section 7005 may be ap-  
14 plied toward the non-Federal share of the cost of any other  
15 study authorized by section 7004 or any other project au-  
16 thorized by section 7005, as the case may be.

17 (c) PERIODIC MONITORING.—

18 (1) IN GENERAL.—To ensure that the contribu-  
19 tions of the non-Federal interest equal the non-Fed-  
20 eral share of the cost of a study authorized by sec-  
21 tion 7004 or a project authorized by section 7005,  
22 during each 5-year period beginning after the date  
23 of commencement of the first study under section  
24 7004 or construction of the first project under sec-  
25 tion 7005, as the case may be, the Secretary shall—



1           (A) monitor the non-Federal provision for  
2           each study authorized by section 7004 or each  
3           project authorized by section 7005, as the case  
4           may be, of cash, in-kind services and materials,  
5           and land, easements, rights-of-way, relocations,  
6           and disposal areas; and

7           (B) manage, to the extent practicable, the  
8           requirement of the non-Federal interest to pro-  
9           vide for each such project cash, in-kind services  
10          and materials, and land, easements, rights-of-  
11          way, relocations, and disposal areas.

12          (2) OTHER MONITORING.—The Secretary shall  
13          conduct monitoring separately for the study phase,  
14          construction phase, the preconstruction engineering  
15          and design phase, and the planning phase for each  
16          project authorized on or after date of enactment of  
17          this Act for all or any portion of the coastal Lou-  
18          isiana ecosystem.

19          (d) AUDITS.—Credit for land, easements, rights-of-  
20          way, relocations, and disposal areas (including land value  
21          and incidental costs) provided under this section, and the  
22          cost of work provided under this section, shall be subject  
23          to audit by the Secretary.

1 **SEC. 7007. PROJECT JUSTIFICATION.**

2 (a) IN GENERAL.—Notwithstanding section 209 of  
3 the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any  
4 other provision of law, in carrying out any project or activ-  
5 ity authorized by or under this title or any other provision  
6 of law to protect, conserve, and restore the coastal Lou-  
7 isiana ecosystem, the Secretary may determine that—

8 (1) the project or activity is justified by the en-  
9 vironmental benefits derived by the coastal Lou-  
10 isiana ecosystem; and

11 (2) no further economic justification for the  
12 project or activity is required if the Secretary deter-  
13 mines that the project or activity is cost effective.

14 (b) LIMITATION ON APPLICABILITY.—Subsection (a)  
15 shall not apply to any separable element intended to  
16 produce benefits that are predominantly unrelated to the  
17 protection, conservation, and restoration of the coastal  
18 Louisiana ecosystem.

19 **SEC. 7008. STATUTORY CONSTRUCTION.**

20 (a) EXISTING AUTHORITY.—Except as otherwise pro-  
21 vided in this title, nothing in this title affects any author-  
22 ity in effect on the date of enactment of this Act, or any  
23 requirement relating to the participation in protection,  
24 conservation, and restoration projects and activities in the  
25 coastal Louisiana ecosystem, including projects and activi-  
26 ties referred to in subsection (a) of—

- 1 (1) the Department of the Army;
- 2 (2) the Department of the Interior;
- 3 (3) the Department of Commerce;
- 4 (4) the Environmental Protection Agency;
- 5 (5) the Department of Agriculture;
- 6 (6) the Department of Transportation;
- 7 (7) the Department of Energy;
- 8 (8) the Federal Emergency Management Agen-
- 9 cy;
- 10 (9) the Coast Guard; and
- 11 (10) the State of Louisiana.

12 (b) NEW AUTHORITY.—Nothing in this title confers  
13 any new regulatory authority on any Federal or non-Fed-  
14 eral entity that carries out any project or activity author-  
15 ized by or under this title.

## 16 **TITLE VIII—UPPER MISSISSIPPI** 17 **RIVER AND ILLINOIS WATER-** 18 **WAY SYSTEM**

### 19 **SEC. 8001. DEFINITIONS.**

20 In this title, the following definitions apply:

- 21 (1) PLAN.—The term “Plan” means the project  
22 for navigation and ecosystem improvements for the  
23 Upper Mississippi River and Illinois Waterway Sys-  
24 tem: Report of the Chief of Engineers, dated Decem-  
25 ber 15, 2004.

1           (2) UPPER MISSISSIPPI RIVER AND ILLINOIS  
2       WATERWAY SYSTEM.—The term “Upper Mississippi  
3       River and Illinois Waterway System” means the  
4       projects for navigation and ecosystem restoration au-  
5       thorized by Congress for—

6           (A) the segment of the Mississippi River  
7       from the confluence with the Ohio River, River  
8       Mile 0.0, to Upper St. Anthony Falls Lock in  
9       Minneapolis-St. Paul, Minnesota, River Mile  
10      854.0; and

11          (B) the Illinois Waterway from its con-  
12      fluence with the Mississippi River at Grafton,  
13      Illinois, River Mile 0.0, to T.J. O’Brien Lock in  
14      Chicago, Illinois, River Mile 327.0.

15 **SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORA-**  
16 **TION.**

17      Except as modified by this title, the Secretary shall  
18      undertake navigation improvements and restoration of the  
19      ecosystem for the Upper Mississippi River and Illinois  
20      Water System substantially in accordance with the Plan  
21      and subject to the conditions described therein.

22 **SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGA-**  
23 **TION IMPROVEMENTS.**

24      (a) SMALL SCALE AND NONSTRUCTURAL MEAS-  
25      URES.—

1 (1) IN GENERAL.—The Secretary shall—

2 (A) construct mooring facilities at Locks  
3 12, 14, 18, 20, 22, 24, and LaGrange Lock;

4 (B) provide switchboats at Locks 20  
5 through 25; and

6 (C) conduct development and testing of an  
7 appointment scheduling system.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—

9 The total cost of projects authorized under this sub-  
10 section shall be \$235,000,000. Such costs shall be  
11 paid ½ from amounts appropriated from the general  
12 fund of the Treasury and ½ from amounts appro-  
13 priated from the Inland Waterways Trust Fund.

14 (b) NEW LOCKS.—

15 (1) IN GENERAL.—The Secretary shall con-  
16 struct new 1,200-foot locks at Locks 20, 21, 22, 24,  
17 and 25 on the Upper Mississippi River and at La-  
18 Grange Lock and Peoria Lock on the Illinois Water-  
19 way.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—

21 The total cost of projects authorized under this sub-  
22 section shall be \$1,795,000,000. Such costs shall be  
23 paid ½ from amounts appropriated from the general  
24 fund of the Treasury and ½ from amounts appro-  
25 priated from the Inland Waterways Trust Fund.

1       (c) CONCURRENCE.—The mitigation required for the  
2 projects authorized under subsections (a) and (b), includ-  
3 ing any acquisition of lands or interests in lands, shall be  
4 undertaken or acquired concurrently with lands and inter-  
5 ests in lands for the projects authorized under subsections  
6 (a) and (b), and physical construction required for the  
7 purposes of mitigation shall be undertaken concurrently  
8 with the physical construction of such projects.

9   **SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.**

10       (a) OPERATION.—To ensure the environmental sus-  
11 tainability of the existing Upper Mississippi River and Illi-  
12 nois Waterway System, the Secretary shall modify, con-  
13 sistent with requirements to avoid adverse effects on navi-  
14 gation, the operation of the Upper Mississippi River and  
15 Illinois Waterway System to address the cumulative envi-  
16 ronmental impacts of operation of the system and improve  
17 the ecological integrity of the Upper Mississippi River and  
18 Illinois River.

19       (b) ECOSYSTEM RESTORATION PROJECTS.—

20           (1) IN GENERAL.—The Secretary shall carry  
21 out, consistent with requirements to avoid adverse  
22 effects on navigation, ecosystem restoration projects  
23 to attain and maintain the sustainability of the eco-  
24 system of the Upper Mississippi River and Illinois

1 River in accordance with the general framework out-  
2 lined in the Plan.

3 (2) PROJECTS INCLUDED.—Ecosystem restora-  
4 tion projects may include—

5 (A) island building;

6 (B) construction of fish passages;

7 (C) floodplain restoration;

8 (D) water level management (including  
9 water drawdown);

10 (E) backwater restoration;

11 (F) side channel restoration;

12 (G) wing dam and dike restoration and  
13 modification;

14 (H) island and shoreline protection;

15 (I) topographical diversity;

16 (J) dam point control;

17 (K) use of dredged material for environ-  
18 mental purposes;

19 (L) tributary confluence restoration;

20 (M) spillway, dam, and levee modification;

21 and

22 (N) land and easement acquisition.

23 (3) COST SHARING.—

24 (A) IN GENERAL.—Except as provided in  
25 subparagraphs (B) and (C), the Federal share

1 of the cost of carrying out an ecosystem res-  
2 toration project under this subsection shall be  
3 65 percent.

4 (B) EXCEPTION FOR CERTAIN RESTORA-  
5 TION PROJECTS.—In the case of a project  
6 under this section for ecosystem restoration, the  
7 Federal share of the cost of carrying out the  
8 project shall be 100 percent if the project—

9 (i) is located below the ordinary high  
10 water mark or in a connected backwater;

11 (ii) modifies the operation of struc-  
12 tures for navigation; or

13 (iii) is located on federally owned  
14 land.

15 (C) SAVINGS CLAUSE.—Nothing in this  
16 subsection affects the applicability of section  
17 906(e) of the Water Resources Development  
18 Act of 1986 (33 U.S.C. 2283(e)).

19 (D) NONGOVERNMENTAL ORGANIZA-  
20 TIONS.—Notwithstanding section 221(b) of the  
21 Flood Control Act of 1970 (42 U.S.C. 1962d–  
22 5(b)), for any project carried out under this  
23 title, a non-Federal sponsor may include a non-  
24 profit entity, with the consent of the affected  
25 local government.



1           (4) LAND ACQUISITION.—The Secretary may  
2       acquire land or an interest in land for an ecosystem  
3       restoration project from a willing seller through con-  
4       veyance of—

5                   (A) fee title to the land; or

6                   (B) a flood plain conservation easement.

7       (c) ECOSYSTEM RESTORATION PRECONSTRUCTION  
8       ENGINEERING AND DESIGN.—

9           (1) RESTORATION DESIGN.—Before initiating  
10       the construction of any individual ecosystem restora-  
11       tion project, the Secretary shall—

12                   (A) establish ecosystem restoration goals  
13       and identify specific performance measures de-  
14       signed to demonstrate ecosystem restoration;

15                   (B) establish the without-project condition  
16       or baseline for each performance indicator; and

17                   (C) for each separable element of the eco-  
18       system restoration, identify specific target goals  
19       for each performance indicator.

20       (2) OUTCOMES.—Performance measures identi-  
21       fied under paragraph (1)(A) shall include specific  
22       measurable environmental outcomes, such as  
23       changes in water quality, hydrology, or the well-  
24       being of indicator species the population and dis-  
25       tribution of which are representative of the abun-

1 dance and diversity of ecosystem-dependent aquatic  
2 and terrestrial species.

3 (3) RESTORATION DESIGN.—Restoration design  
4 carried out as part of ecosystem restoration shall in-  
5 clude a monitoring plan for the performance meas-  
6 ures identified under paragraph (1)(A), including—

7 (A) a timeline to achieve the identified tar-  
8 get goals; and

9 (B) a timeline for the demonstration of  
10 project completion.

11 (d) SPECIFIC PROJECTS AUTHORIZATION.—

12 (1) IN GENERAL.—There is authorized to be  
13 appropriated to carry out this subsection  
14 \$1,580,000,000, of which not more than  
15 \$226,000,000 shall be available for projects de-  
16 scribed in subsection (b)(2)(B) and not more than  
17 \$43,000,000 shall be available for projects described  
18 in subsection (b)(2)(J).

19 (2) LIMITATION ON AVAILABLE FUNDS.—Of the  
20 amounts made available under paragraph (1), not  
21 more than \$35,000,000 in any fiscal year may be  
22 used for land acquisition under subsection (b)(4).

23 (3) INDIVIDUAL PROJECT LIMIT.—Other than  
24 for projects described in subparagraphs (B) and (J)  
25 of subsection (b)(2), the total cost of any single

1 project carried out under this subsection shall not  
2 exceed \$25,000,000.

3 (e) IMPLEMENTATION REPORTS.—

4 (1) IN GENERAL.—Not later than June 30,  
5 2007, and every 4 years thereafter, the Secretary  
6 shall submit to the Committee on Environment and  
7 Public Works of the Senate and the Committee on  
8 Transportation and Infrastructure of the House of  
9 Representatives an implementation report that—

10 (A) includes baselines, milestones, goals,  
11 and priorities for ecosystem restoration  
12 projects; and

13 (B) measures the progress in meeting the  
14 goals.

15 (2) ADVISORY PANEL.—

16 (A) IN GENERAL.—The Secretary shall ap-  
17 point and convene an advisory panel to provide  
18 independent guidance in the development of  
19 each implementation report under paragraph  
20 (1).

21 (B) PANEL MEMBERS.—Panel members  
22 shall include—

23 (i) one representative of each of the  
24 State resource agencies (or a designee of  
25 the Governor of the State) from each of

1 the States of Illinois, Iowa, Minnesota,  
2 Missouri, and Wisconsin;

3 (ii) one representative of the Depart-  
4 ment of Agriculture;

5 (iii) one representative of the Depart-  
6 ment of Transportation;

7 (iv) one representative of the United  
8 States Geological Survey;

9 (v) one representative of the United  
10 States Fish and Wildlife Service;

11 (vi) one representative of the Environ-  
12 mental Protection Agency;

13 (vii) one representative of affected  
14 landowners;

15 (viii) two representatives of conserva-  
16 tion and environmental advocacy groups;  
17 and

18 (ix) two representatives of agriculture  
19 and industry advocacy groups.

20 (C) CHAIRPERSON.—The Secretary shall  
21 serve as chairperson of the advisory panel.

22 (D) APPLICATION OF FEDERAL ADVISORY  
23 COMMITTEE ACT.—The Advisory Panel and any  
24 working group established by the Advisory  
25 Panel shall not be considered an advisory com-

1           mittee under the Federal Advisory Committee  
2           Act (5 U.S.C. App.).

3       (f) RANKING SYSTEM.—

4           (1) IN GENERAL.—The Secretary, in consulta-  
5       tion with the Advisory Panel, shall develop a system  
6       to rank proposed projects.

7           (2) PRIORITY.—The ranking system shall give  
8       greater weight to projects that restore natural river  
9       processes, including those projects listed in sub-  
10      section (b)(2).

11   **SEC. 8005. COMPARABLE PROGRESS.**

12       (a) IN GENERAL.—As the Secretary conducts pre-en-  
13      gineering, design, and construction for projects authorized  
14      under this title, the Secretary shall—

15           (1) select appropriate milestones;

16           (2) determine, at the time of such selection,  
17      whether the projects are being carried out at com-  
18      parable rates; and

19           (3) make an annual report to Congress, begin-  
20      ning in fiscal year 2008, regarding whether the  
21      projects are being carried out at a comparable rate.

22       (b) NO COMPARABLE RATE.—If the Secretary or  
23      Congress determines under subsection (a)(2) that projects  
24      authorized under this title are not moving toward comple-  
25      tion at a comparable rate, annual funding requests for the

- 1 projects shall be adjusted to ensure that the projects move
- 2 toward completion at a comparable rate in the future.

Passed the House of Representatives July 14, 2005.

Attest:

*Clerk.*

109TH CONGRESS  
1ST SESSION

# H. R. 2864

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## AN ACT

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.